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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

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Glossary of Acronyms

CCCD	Caribbean Christian Centre for the Deaf
CDA	Combined Disabilities Association
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CGD	Clarendon Group for the Disabled
CISOCA	Centre for the Investigation of Sexual Offences and Child Abuse
EOJ	Electoral Office of Jamaica
ESP	Early Stimulation Programme
GOJ	Government of Jamaica
HEART/NTA	Human Employment and Resource Training/National Training Agency
ICT	Information Communication Technology
IDB	Inter-American Development Bank
IMF	International Monetary Fund
IPC	International Paralympics Committee
JAD	Jamaica Association for the Deaf
JAID	Jamaica Association on Intellectual Disabilities
JCPD	Jamaica Council for Persons with Disabilities
JEEP	Jamaica Emergency Employment Programme
JIS	Jamaica Information Service
JLS	Jamaica Library Service
JSB	Jamaica Society for the Blind
KMA	Kingston Metropolitan Area
MLSS	Ministry of Labour and Social Security
MOE	Ministry of Education
MOU	Memorandum of Understanding
NHT	National Housing Trust
NYS	National Youth Service
OCA	Office of the Children's Advocate
OSSS	Office for Special Student Services
PATH	Programme of Advancement through Health and Education
PIOJ	Planning Institute of Jamaica
SSP	Social Protection Project
STATIN	Statistical Institute of Jamaica
UNCRC	United Nations Convention on the Rights of the Child
CRPD	United Nations Convention on the Rights of Persons with Disabilities
UNFPA	United Nations Population Fund
UWI	University of the West Indies
UWICDS	University of the West Indies Centre for Disability Studies

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Introduction

1. In March 2007, Jamaica signed and ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD); and by so doing, became the first country to affix its signature to that document. These actions signalled the intention of Jamaica to promote, protect and ensure the fulfilment of the rights and dignity of persons with disabilities. For the purpose of this report, Jamaica reaffirms its commitment to the provisions of the CRPD and will redouble its efforts to ensure that there is adherence to the principle of progressive realization.

2. This report and its annexes represent Jamaica's First Report under Article 35 of the CRPD. The form and content of this report conform to the guidelines adopted by the Committee for the Convention on the Rights of Persons with Disabilities for drafting reports. It encompasses the period 2009 to 2017.

3. A highly consultative approach was adopted in the preparation of this report. A number of government and non-governmental institutions were consulted for their views on Jamaica's efforts to implement the tenets of the CRPD. Key participants in the consultations were the Jamaica Council for Persons with Disabilities (JCPD), a department within the Ministry of Labour and Social Security and the government's designated agency for disability matters, as well as the Combined Disabilities Association (CDA), the primary non-governmental cross-disability organization which advocates for the rights of persons with disabilities in Jamaica. A cross-section of other individuals, agencies and institutions were consulted to ensure that the content of this report represents the current state of affairs for persons with disabilities in Jamaica. A systematic approach was also adopted in order to make the content representative and reflective of the views of persons with disabilities in Jamaica. Consequently, seventeen (17) organizations were contacted to participate in elite interviews. Of these, eleven (11) responses were received from the major stakeholders that offer services to persons with disabilities.

4. Four focus group discussions, each comprising twelve persons with disabilities, were conducted, covering the three counties (Cornwall, Middlesex, and Surrey). Each group engaged in a rich dialogue on Jamaica's efforts to implement the CRPD. Extensive research and review were also done on various legislation, programmes and policies that have been implemented to improve the quality of life for persons with disabilities in Jamaica. In the process of gathering data for this report, three major instruments in the form of questionnaires were developed: a 120-item questionnaire was constructed to capture all of the relevant information needed for the report; another specifically for institutions that participated in the elite interviews and the final questionnaire to guide the discussions in the focus groups. The questions were tailored specifically to capture information linked to the respective provisions of the CRPD. A special session was also held with key stakeholders in the community of persons with disabilities to ensure that the report was congruent with their experience and to ensure the authenticity of the information gathered.

5. This report includes Jamaica's efforts to implement programmes and policies for persons with disabilities *prior to* the ratification of the CRPD. In keeping with the Draft Guidelines for preparing the reports for the Committee on the Convention on the Rights of Persons with Disabilities, we have prepared an article-by-article assessment, which reflects Jamaica's efforts to implement the provisions of the CRPD over the past five (5) years. The report highlights some of the challenges to implement the various provisions of the CRPD. Planned initiatives to address these challenges have also been mentioned.

General Overview — Jamaica

6. As at 2013, Jamaica's population was estimated at 2,890,299. Of this number, 49.5 percent are males while 50.5 percent are females.[1] The official language of the country is English, although a local patois or Jamaican Creole is also widely spoken.

[1] Statistical Institute of Jamaica. http://statinja.gov.jm/demo_socialstats/population.aspx.

Overview of disabilities in Jamaica — prevalence, types etc.

7. The United Nations estimates that approximately 10.0 percent of persons in every population have a disability. Persons with Disabilities are those who have "long-term physical, mental intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation on an equal basis with others." (United Nations Convention on the Rights of Persons with Disabilities — UNCRPD).

8. In the Jamaican context, according to the Disabilities Act, 2014, a person with a disability includes 'a person who has a long-term physical, mental, intellectual or sensory impairment which may hinder his full and effective participation in society, on an equal basis with other persons.' In light of this definition, the JCPD as of September 2017 recorded a total of 38,792 registered persons with disabilities ranging from visual and hearing impairment, intellectual, physical, speech, mental illness, deafness, blindness and a combination of two or more types. Of that number 11,844 have a physical disability, which is the largest recorded type of disability in Jamaica. The second largest being intellectual which recorded 7,211 persons. The number of persons reported as having multiple disabilities was 1,610. It must be noted that registration with the JCPD is not mandatory; hence the numbers recorded do not necessarily reflect the total number of persons with disabilities in Jamaica.

Organisations involved in disabilities work, including the role of various MDAs, and overview of the part played by NGOs

Jamaica Council for Persons with Disabilities (JCPD)

9. The Jamaica Council for Persons with Disabilities (JCPD) is the mandated government agency under the Ministry of Labour and Social Security with responsibility for implementing government policies and programmes for persons with disabilities. The Council also provides vocational training for persons with disabilities and creates public awareness on issues relating to those persons. The JCPD benefits from a multi-sectoral Board of Management appointed by the Cabinet for a two-year period.

10. The services provided by the Jamaica Council for Persons with Disabilities include: identifying and registering persons with disabilities in Jamaica; an Assessment Guidance and Training Centre where each client is provided with vocational training and taught independent living skills; public education campaigns educating the society on disability issues; assist with finding employment for persons with disabilities through our Job Placement Officer; ensuring the circulation and understanding of the National Policy for Persons with Disabilities and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD); Rehabilitation Grants for assistive devices and other rehabilitation matters, self-help projects, such as chicken rearing and other microbusinesses; assistance to ensure full educational opportunities, for example, school fee, books, scholarships.

Abilities Foundation

11. The Abilities Foundation was established in November 1991 and is a registered voluntary organization. It is the leading organization offering training opportunities in collaboration with HEART/NTA that will produce graduates who are able to access further education and training and become confident and competent individuals at the workplace and in society at large.

Combined Disabilities Association (CDA)

12. The Combined Disabilities Association is a non-profit, non-governmental organization, which was formed in 1978 and officially launched in 1981, during the international year of persons with disabilities (IYDP) its focus is advocacy. Access is one of the main components of their advocacy, access to: mobility, housing, training/education, recreation and rehabilitation, employment, and health-care.

13. The Early Stimulation Programme (ESP) is a Government non-profit that provides early stimulation and intervention for children with developmental disabilities from birth to six years. The ESP has existed since 1975, with its programme focusing on improving the

development, stimulation and training of children in the age group 0–6 years. Child Development Officers visit the homes of children, in Kingston and St. Andrew, St. Thomas, Portmore in St. Catherine and Portland where they work alongside with the parents to facilitate learning.

14. The ESP has an extension of its programme, Stimulation Plus, located at 1A Ostend Avenue, Kingston 2, which provides a range of services through a pre-school for children with disabilities ages 3–6 years. It was opened on September 5, 2006 with a total of sixteen (16) students. Along with the center in Portland, there are currently two hundred and four (204) children on roll receiving special education. At the end of their tenure, most of them are placed in the regular or special education system. Stimulation Plus also offers parents the opportunity to go to work while their children are at school.

15. The Jamaican Association on Intellectual Disabilities (JAID) (formerly the Jamaican Association on Mental Retardation — JAMR) is a non-governmental organization which was founded in 1956 whose main vision is to provide the kind of dynamic leadership, advocacy and influence that will facilitate the full integration and inclusion of persons with Intellectual and other Developmental Disabilities in society. In 1974 the Government of Jamaica joined the partnership and today The Schools of Special Education, a network of 28 Schools island wide, are jointly operated with the Ministry of Education.

16. Other non-governmental organizations include the Jamaica Society for the Blind, the Jamaica Association for the Deaf and the Clarendon Group for the Disabled. The emergence of organizations of persons with disabilities has resulted in more groups activating for their rights and in return, persons with disabilities have availed themselves to training opportunities and employment.

Overview of communication systems, such as the use of Jamaican Sign Language

17. The population of deaf Jamaicans is about 7,500. It is therefore no surprise that the deaf community is unified with a common identity and is very proud to have its own Jamaican deaf culture using the Jamaica Sign Language (JSL). The Jamaica Sign Language is derived from American Sign Language which is a new form of Jamaican Country Sign Language, or Konchri Sain (KS) and is used throughout the island in the schools, in platform and television interpreting, and among most members of Jamaica's deaf community.[2]The Jamaica Association for the Deaf (JAD) has been pursuing the move towards a bilingual and bi-cultural education for the Deaf and Hard of Hearing students in our school systems. To this end, they have initiated a phase of re-learning for teaching staff and engaging in experimental pedagogical activities. One of the major areas of focus is the advancement of the native language of the Deaf in Jamaica — Jamaica Sign Language (JSL).

18. The National Library of Jamaica has an audio-visual section that is regularly updated through donations and purchases. Sign language interpretation is provided for major national events, as well as, sign language interpreters can be made available in the courts for victims of abuse and other criminal acts. Additionally, the Jamaica Association for the Deaf (JAD) provides the interpreters as part of their Social Services Programme.

19. In 2011, the human rights provisions of Jamaica's Constitution were updated through the adoption of the Charter of Fundamental Rights and Freedoms. The Charter, which replaced Chapter 3 of the Constitution, contains broad anti-discrimination provisions. The Constitution provides a non-discrimination framework in relation to; inter alia, race and national origin. There is no evidence to suggest that in practice, there are any policies or actions by State entities or private individuals that directly or indirectly disenfranchise persons with disabilities.

20. Despite efforts to enhance the society's awareness of persons with disabilities and their abilities, there are still lingering negative perceptions within the society towards such persons. There is the tendency to highlight issues relating to persons with disabilities mostly during Disability Awareness Week. While this is acceptable, there must be a

[2] David Dolman, Sign Language Studies Volume 52, Fall 1986 pp. 235–242

concentrated effort on the part of the media to highlight and promote issues relating to persons with disabilities all through the year.

Overview of the Vision 2030 National Development Plan and, particularly, the Disabilities Sub-Sector Plan

21. Vision 2030 Jamaica is our country's first long-term National Development Plan which aims to put Jamaica in a position to achieve developed country status by 2030. This envisages a major transformation from a middle income developing country to one which affords its citizens a high quality of life and world-class standards in critical areas including education, healthcare, nutrition, basic amenities, access to environmental goods and services, civility and social order. The vision particularly seeks to create a healthier future for the vulnerable persons in the population by ensuring that our elderly and persons with disabilities are fully integrated within society, have access to appropriate care and support services and are treated as valuable human resources. Further to this, the Disability Sub Sector Plan was realized and disability was identified as a vulnerability that falls within the remit of the Social Welfare and Vulnerable Groups Task Force, and it was therefore agreed that a separate Task Force known as the "Persons with Disabilities Task Force" be formed to look at these issues. The Plan recognizes the need to address the barriers that hinder persons with disabilities from achieving their full potential, while promoting personal responsibility among persons with disabilities.

Overview of Disabilities Act

22. The Disabilities Bill was passed in the Jamaica House of Representatives on July 22, 2014 and the Upper House/Senate on October 10, 2014. The Act makes provisions to protect and ensure the full and equal enjoyment of the rights and privileges of persons with disabilities in Jamaica and establish the Jamaica Council for Persons with Disabilities.

23. Pursuant to Section 3 of the Act, the principal objects of this Act are to:

(a) Reinforce and promote recognition and acceptance within Jamaica of the principle that a person with a disability, has the same fundamental rights as any other person in Jamaica;

(b) Promote individual dignity, the freedom of choice and independence of a person with a disability; (c) ensure full and effective participation and inclusion in the society for persons with disabilities on an equal basis with others; (d) prevent or prohibit discrimination against a person with a disability; (e) and promote respect for differences and acceptance of persons with disabilities as part of human diversity and humanity.

24. It is important to note also that the Act provides under section 24 and 25 respectively, that a person with a disability shall be entitled to the enjoyment of equal access, privileges, interests, benefits and treatment, whether directly or through contractual, licensing, or other arrangements and a person with a disability shall not, by reason of such disability, be subject to any form of discrimination. Any person found to be in breach of the Disabilities Act 2014 may be sanctioned through the Disabilities Rights Tribunal which this Act also establishes.

I. General Provisions of the Convention (Articles 1–4)

Article 1: Purpose

25. The purpose of the CRPD is to promote, protect and ensure the rights of persons with disabilities. Jamaica fully subscribes to this purpose. As a result, Jamaica has sought to promote and protect the rights of persons with disabilities through the Constitution of Jamaica which guarantees all citizens, inclusive of persons with disabilities protection of their rights by the State. More specifically, the Disabilities Act offers further specific protection of the rights of persons with disabilities. This enactment of this Bill took place in the Parliament in the 2014/15 legislative year. In line with the CRPD, it is "An Act to promote, protect and ensure the full and equal enjoyment by persons with disabilities, of

privileges, benefits, and treatment, on an equal basis with others and to establish the Jamaica Council for Persons with Disabilities; and for connected matters".

26. Through the JCPD, along with non-governmental organizations, there is a consistent effort to promote the rights of persons with disabilities.

Article 2: Definitions

27. In the context of the definition of persons with disabilities, Jamaica accepts the basic classification used in the CRPD. The precise definition used by the Government is that of the National Policy for Persons with Disability and the Disabilities Act 2014. The National Policy defines disability as: "any restriction or lack (resulting from impairment) of ability to perform an activity in the manner or within the range considered normal for a human being." These restrictions cover areas of sight, hearing, mental/intellectual and physical disabilities. The Disabilities Act states that "a person with a disability includes a person who has a long-term physical, mental, intellectual or sensory impairment which may hinder his full and effective participation in society, on an equal basis with other persons."

28. The Disabilities Act developed to protect the rights and dignity of persons with disabilities also incorporates most of these terms. Of significance is the definition of non-discrimination. The definition cited in the Disabilities Act coincides with that of the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act 2011 and captures that which is stated in the CRPD. It is as follows:

> *"Any distinction, exclusion, or restriction, on the basis of disability, which has the purpose or effect of impairing or nullifying the recognition, enjoyment, or exercise, on an equal basis with others, of privileges, legal interests, rights, benefits, and treatment, in the political, economic, social, cultural, civil, religious, educational or any other field, and includes all forms of discrimination including denial of reasonable arrangements, and "discriminate" shall be construed accordingly".*

Article 3: General Principles

29. Jamaica subscribes to the eight (8) fundamental principles anchoring the CRPD and is making efforts to have them incorporated into all areas of Jamaican life. With the implementation of the relevant legislation, the goal is that these principles will become a way of life in Jamaica.

30. Respect for the inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons.

31. This principle forms the basis for which the Government of Jamaica (GOJ), has designed and implemented policies, programmes, and laws for the development and inclusion of persons with disabilities in mainstream society. Jamaica subscribed to this principle ***even before*** signing and ratifying the CRPD.

32. Jamaica's National Policy for Persons with Disabilities was tabled in Parliament on September 26, 2000. It is geared towards setting guidelines and directions for the Government, for the equalization of opportunities for Persons with Disabilities, assisting the government in strengthening its capacity to address disability issues as well as assist individual agencies in improving their capacity to address disability issues within their area of functional responsibility. The Policy also provides a framework for agencies of government to cooperate in developing and implementing policies designed to provide equal opportunities for people with disabilities in all aspects of life. One of the main objectives of the policy has been to enrich the lives of persons with disabilities by promoting individuality and freedom of choice and independence by reducing the level of isolation experienced by such persons to encourage integration in all aspects of society.

33. The Policy has since assisted the government in implementing the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities. In addition, it was felt that policy via legislation would foster greater self-advocacy and self-

determination within the population of persons with disabilities and the Disabilities Act 2014 was passed with this vision in mind. The 2014 Act has further realized this principle by mandating that persons with disabilities be entitled to the enjoyment of equal access, privileges, interests, benefits, and treatment as well as protection from discrimination.

34. More evidently are the principal objects of the Disabilities Act, 2014 outlined in Section 3 which are to:

(a) Reinforce and promote recognition and acceptance within Jamaica of the principle that a person with a disability, has the same fundamental right as any other person in Jamaica;

(b) Promote individual dignity and individual autonomy, including the freedom of choice and independence of a person with a disability;

(c) Ensure full and effective participation and inclusion in the society for persons with disabilities on an equal basis with others;

(d) Prevent or prohibit discrimination against a person with a disability; and

(e) Promote respect for difference and acceptance of persons with disabilities as part of human diversity and humanity.

35. The JCPD, as an agency of the MLSS has had as its vision long before the CRPD or the Act, the realization of the 'equalization of opportunities for persons with disabilities.' Based on its mandate, the Council distributes economic empowerment grants of up to $150,000 JMD to persons with disabilities to assist in their economic independence through the development of small businesses. The Ministry of Education (MOE) provides specialized programmes for school-age children with disabilities through the Special Education Unit with branches located in all parishes. The Ministry of Finance facilitates the provision of concessions such as income tax relief and limited relief on import duty on aids and appliances and other materials required by persons with disabilities. Additionally, the National Housing Trust has among its loan programmes a special Benefit Programme to assist contributors with disabilities in purchasing houses.

36. *Non-discrimination*: Persons with disabilities who are residents and citizens of Jamaica are protected from discrimination by the Jamaican Constitution. This has been further buttressed by specific legislation in the form of the Disabilities Act, which as indicated above, lays out a comprehensive non-discrimination framework. Additionally, other activities have been undertaken to prevent and address discrimination, such as the Sexual and Reproductive Health Programme (SRH) between 2003–2008 through which SRH materials were developed for adolescents and training materials for the service providers to ensure non-discrimination in the professional fields of counseling, teaching and medicine including pharmacy. Sensitization sessions began and continue through the Ministry of Health of their front-line staff to ensure there is understanding of persons with disabilities, the UNCRPD and the Disabilities Act. There has also been awareness via traditional media, monthly sensitization in schools including Parent-Teachers' Associations and clinics. Despite these efforts, some challenges remain in this area. The main challenges are that many persons with disabilities are not fully aware of their rights and appropriate remedies for redress. Disability rights-based knowledge and awareness are now being addressed through the guidance programmes in special and mainstream schools and through group meetings with young adults and adults with disabilities in training or empowerment sessions. It will take time to get to all such persons as this awareness is not currently mainstreamed and awareness programmes do not exist in all parishes. In addition, the burden of proof regarding discrimination often rests with the complainant and is covert in nature so oftentimes persons with disabilities do not bother to report. Furthermore, the backlog in the judicial system does not always allow for timely execution of penalties for those deemed guilty of discrimination. Although the Office of the Public Defender responds to cases brought to it by persons with disabilities the Office is in the capital city and so those persons in rural areas do not have access.

37. It is noteworthy that the Charter of Fundamental Rights and Freedoms 2011, provides inter alia, the right of every Jamaican citizen, the right to seek, receive, distribute or disseminate information, opinions and ideas through any media; the right to freedom of

movement, that is to say, the right (i) of every citizen of Jamaica to enter Jamaica; and (ii) of every person lawfully in Jamaica, to move around freely throughout Jamaica, to reside in any part of Jamaica and to leave Jamaica; the right to equality before the law; the right to equitable and human treatment by any public authority in the exercise of any function; the right to freedom from discrimination on the ground of being male or female or by race, place of origin, class, colour, religion and political opinions.

38. This was further buttressed by specific legislation in the form of the Disabilities Act 2014, which as aforementioned, laid out a comprehensive non-discrimination framework. It appointed the JCPD to among other things, advise the portfolio minister on matters affecting people with disabilities, conduct public education programmes, make recommendations regarding the enforcement of the Act, and other national measures that seek to prevent discrimination against persons with disabilities.

39. Moreover, it established the Disabilities Rights Tribunal which is aimed at ensuring adequate redress for acts of discrimination against Persons with Disabilities. The Act gives power to the Tribunal to summon any person to attend before the Tribunal and to give evidence or to produce any paper, book, record, or document in the possession or under the control of such person and to administer oaths to or take the affirmation of any witness appearing before them. The process for redress allows the Tribunal in respect of any complaint referred to it, make an award within sixty days after that complaint was so referred, or if it is impracticable to make the award within that period, the time for making the award may be extended. The award by the Tribunal is final and conclusive and no proceedings shall be brought in any court to impeach the validity thereof, except on the point of law. The Act further provides that if the Court is satisfied on an application by the Tribunal that any person has contravened any of the obligations or prohibition imposed in the order or award or has failed to comply with any direction of the Tribunal, then the court may order the offending person to pay to the applicant such penalty not exceeding one million dollars, in the case of an individual and five million dollars, in the case of a person other than an individual or grant an injunction restraining the offending person from carrying out the conduct in relation to the complaint, for example, discrimination.

40. Additionally, other activities have been undertaken to prevent and address acts of discrimination against Persons with disabilities, namely, the Social and Economic Inclusion of Persons with Disabilities Project (SEIP). This Project seeks to prevent discrimination against people with disabilities. With support from the World Bank through a Recipient Executed Trust Fund, the Social and Economic Inclusion of Persons with Disabilities Project (SEIP) is funded by the Japan Policy and Human Resources Development Fund (PHRD). The project seeks to improve the social and economic inclusion of people with disabilities into the wider Jamaican society, which by extension reduces employment discrimination. Over 540 young people with disabilities have been trained so far since the start of the project in July 2013.

41. In a forum hosted by the Central Jamaica Conference of Seventh-day Adventists on December 16, 2016 at Camp Verley in St. Catherine, Executive Director of the Jamaica Council for Persons with Disabilities (JCPD), Christine Hendricks, called for an end to all forms of discrimination against persons with disabilities (PWD), noting that this is the greatest barrier to their development and full participation in society. The JCPD continues to host public education campaigns on the rights of Persons with Disabilities and the importance of their full and effective participation in the society without fear of discrimination.

42. *Full and effective participation and inclusion in society*: There is no legislation or regulation to prevent the persons with disabilities from participating in the Jamaican society. However, there are some legislated limitations as to individuals who are diagnosed with certain types of mental illness, who may be incapacitated. For example, such persons are not allowed to enter into contracts or representational politics. For example, **Section 37 (2c)** of the Jamaican Constitution outlines one such restriction which limits the political participation of one adjudged to be "insane" or of "unsound mind." Also, the Mental Health Act of 1999 allows for a Court of law to give directions regarding a patient's contractual obligations and other affairs after being adjudged "insane" or of "unsound mind." It should

be noted, nonetheless, that these laws in no way undermine the full and effective participation of persons with mental disabilities who are able to function fully.

43. The Social and Economic Inclusion of Persons with Disabilities Project commenced implementation in August 2013 and was scheduled to end in August 2017; however an extension was approved for a year. The new end date is August 2018 which will facilitate the full realization of project development objectives. Key achievements up to November 2017 include:

Component 1

- Completion of Assessment of Training Capacity/Training Needs Assessment of Persons with Disabilities;
- Completion of Labour Market Study;
- 351 PwDs have been enrolled in skills development training (year 2 and 3). 336 have graduated. 153 PwDs currently enrolled in interventions scheduled to end December 2017;
- 258 Persons with Disabilities have received employment (work experience/training) after completing classroom skills training activities;
- 66 Persons with disabilities received permanent employment after participation in skills training activities;
- Contracts signed for completion of Codes of Practice — JCPD;

Component 2

- Completion of Needs Assessment and Institutional Review of the Early Stimulation Programme;
- Rehabilitative sessions;
- Physical Therapy: 78 children have benefitted from 619 additional hours of therapy;
- Speech Therapy: 200 children assessed. 120 children received 30 continuous sessions of therapy;
- Parenting Curriculum developed and has been guiding the delivery of coping skills sessions to parents of children with disabilities;
- 139 Parents have received training on coping skills strategies;
- 69 Children receive assistive aids. 165 aids ordered and awaiting delivery;

Component 3

- Completion Rapid Assessment of Interventions under Component 1;
- Completion of Terms of Reference for Evaluation of Component 1 completed and approved by Bank;
- Completion of Terms of Reference for Evaluation of Component 2 completed and approved by Bank;
- Procurement of MIS for Early Stimulation Programme — In process;

Component 4

- Project Unit staffed by Project Coordinator and Project Officer who provides ongoing monitoring and day to day supervision of project activities;
- Creation and maintenance of database of project beneficiaries across all project components.

44. Jamaica has more persons with disabilities attending and graduating from tertiary institutions through the Margaret Moody Scholarship provided enabling them. Nonetheless, there remain some attitudinal barriers that restrict the participation of persons with

disabilities in educational and socioeconomic activities. These stereotypes and misconceptions are being combated through the public education programme of the JCPD and other organizations comprised of and representing persons with disabilities, and as such, these barriers are being gradually dismantled.

45. Persons with disabilities who have entered a local tertiary institution to pursue a first degree or diploma may now apply for the Margaret Moody Scholarships, offered by the Jamaica Council for Persons with Disabilities. The scholarship is open to persons who are registered with the Council and is valued at $150,000 for each year of study along with grants of $80,000.00, for those who did not qualify for a full scholarship. Consequently, Jamaica has seen more persons with disabilities attending and graduating from tertiary institutions. This has positively impacted the level of qualification attained by persons with disabilities for more effective integration in the employment sector. In 2017, the JCPD from the Margaret Moody Fund paid in total Nine Hundred and Ten Thousand Dollars ($910,000.00) for five (5) tertiary scholarships and two (2) grants.

46. *(d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity*: There is a growing acceptance of persons with disabilities as a part of the diversity of the human family. However, more public education and sensitization need to be done to ensure the demonstration of respect within their communities.

47. *(e) Equality of opportunity*: The National Policy for Persons with Disabilities expressly states the Government's position on the provision of opportunities for persons with disabilities. This National Policy has at its core, the underlying reality that in order to ensure equality of opportunity for persons with disabilities, it needs to take into account specific needs for various types of disabilities and to equip those persons with the tools needed to participate effectively in all aspects of natural life. In furtherance of the Policy, the Act sought to expatiate the concept of equality of opportunity by mandating the right of persons with disabilities to education and training, employment, healthcare and accessible facilities, the right to housing and to enter premises, the right to participate in public office and political life and the right to access public passenger vehicles. This encapsulates the all areas of natural life that a person without a disability enjoys full benefits from and participation in and by virtue of the 2014 Act; persons with disabilities now enjoy these same benefits.

48. Adherence to the policy of equality of opportunity has been challenging since there remain significant communicational, infrastructural, and attitudinal barriers. The implementation of the Disabilities Act seeks to address such concerns, in addition to an early review of the National Policy for Persons with Disabilities.

49. *(f) Accessibility*. This principle is fully accepted by the GOJ. The GOJ is making additional efforts to provide persons with disabilities with more modern technologies and information (See Article 9 for further information). It is to be noted that the Disabilities Act emphasizes the rights of persons with disabilities to be granted access to all facets of society.

50. Jamaica is making efforts to address the matter of accessibility. In this regard, a new National Building Code has been developed, and a Building Act awaits Parliamentary approval. When the National Building Code and the Building Act come into effect, they will contribute to a transformation of the built environment, and it is expected that more persons with disabilities will be able to participate effectively in various aspects of Jamaican life.

51. *Equality between men and women*. This is a principle that Jamaica subscribed to even before the CRPD and remains a principle which guides our approach to ensuring greater gender equality and social justice. Women and men are treated in the same manner under Jamaican law and this is applicable to persons with disabilities as well. In terms of the grants offered at the JCPD, it is noted that up to November 2017 (financial year) the JCPD facilitated financial assistance in the amount of $8,622,222.28 provided to 468 clients i.e. 236 females, 232 males to facilitate Assistive Aids 38 i.e. 19 females & 19 males; Educational Assistance 196 i.e. 102 females & 94 males; Medical Expenses 69 i.e. 29 females & 40 males; Transportation 22i.e.8 female & 14 males; Income Generating Project

41 i.e. 27 females & 14 males; Employment Support Staff 6 i.e.5 females & 1male; Shadow Support provided for 11clients i.e. 1female & 10 males; Funeral assistance 8 i.e. 2 female & 6 males and Special Needs Assistance 6 i.e.2 female & 4 males.

52. *Respect for the evolving capacities of children with disabilities c ıd respect for the right of children with disabilities to preserve their identities*: So far, efforts in this area have seen more children with disabilities remaining within the family, being exposed to education at all levels and being added to the social safety nets of government. The Government also provides financial and technical support to NGOs who serve children with disabilities. In preserving the identity of our children, the Government has implemented a programme of ensuring registration of children at birth along with the names of their fathers on the birth certificates.

Article 4: General Obligations

53. Jamaica is committed to honouring its obligations under the CRPD. Before the ratification of the CRPD, Jamaica signed ratified other international conventions such as the International Covenant on Civil and Political Rights (ICCPR); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (UNCRC). By virtue of our ratification of these Conventions, the GOJ is required the GOJ to put in place measures to protect the social and economic well-being of all its citizens, which includes persons with disabilities. The passage of the Disabilities Act and the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act 2011 is a signal commitment of the GOJ's decision to honour its obligation under the CRPD.

54. Before the GOJ ratified the CRPD in 2007, regular updates were given to the community of persons with disabilities. These updates were provided through briefs to the National Advisory Board on Persons with Disabilities, group meetings with the community of persons with disabilities and presentations to the leaders of institutions catering to the needs of persons with disabilities. Updates were also provided to the political directorate through the Parliament and the Cabinet. All these activities/efforts set the stage for the ratification of the CRPD in 2007 as most of the stakeholders were comfortable with the consultations that had taken place and the contents of the CRPD. Nothing in the CRPD violated any of the laws and practices of Jamaica. There are however stipulations which are not fully articulated in the Disabilities Act which may need to be amended to reflect the country's commitment directly. The one for earliest consideration is the definition of persons with disabilities. The CRPD focuses on the environment as the cause of disabilities however; the Act focuses on the impairment of the individual. Additionally, although there is a Building Code under consideration for some time now in the Parliament, full accessibility is yet to be fully mandated. Persons with disabilities though not legally prevented from being in control of their financial affairs, or having equal access to financial credit, experience some limitations at financial institutions. Despite these gaps, the government understands that the CRPD promotes the principle of progressive realization.

55. In the meantime, the GOJ has adopted a systematic and strategic approach towards the development and empowerment of persons with disabilities. Through the Planning Institute of Jamaica (PIOJ), the "Vision 2030 Jamaica — National Development Plan" was developed and adopted by the Parliament in 2010. Vision 2030 is Jamaica's first long-term national development plan which aims at enabling Jamaica to achieve developed country status by 2030, i.e. affording its citizens the highest quality of life and world-class standards in some critical elements including education, healthcare, nutritional status, basic amenities, access environmental goods and services, civility and social order. The community of persons with disabilities has been given significant prominence in Vision 2030, and their issues have been incorporated in various facets of the national development plan. The input and views of members of the community of persons with disabilities were solicited through extensive consultation by the PIOJ in the elaboration of the Plan.

56. One of the areas that have been identified for improvement and development in Vision 2030 is the institutional strengthening of the JCPD. This enhancement ensures that

the country has a modern and efficient mechanism to deal with persons with disabilities. Currently, the GOJ through the JCPD is modernizing its systems to improve its database of persons with disabilities. In this regard, an electronic database is being created for the Disability Registry, and this will amongst other things, collate demographic and socio-economic data on persons with disabilities. Despite being a voluntary process, registration and updating of the Registry continue daily through the Social Workers in various parishes including the Head Office. The project to modernize the registration of persons with disabilities, which is being implemented by the JCPD, was jointly funded by the Inter-American Development Bank (IDB) and the GOJ at an estimated cost of US$572,000.

57. It should be noted however, that data collection remains an impediment to being better able to appreciate the challenges affecting the community of persons with disabilities. To address this situation, the GOJ through the JCPD in 2010, signed a Memorandum of Understanding (MOU) with the University of the West Indies Centre for Disability Studies (UWICDS), to assist in conducting much-needed research in this community.

II. Specific Convention Provisions

Article 5: Equality and non-discrimination

58. Under Jamaican law, all its citizens are subject to equal treatment and are protected against discrimination in keeping with the Jamaican constitution. Further details are provided in response to Article 3 above.

59. In its effort to provide equal opportunities for persons with disabilities and to eradicate discrimination; the GOJ through the National Policy for Persons with Disabilities has been implementing several initiatives. These include, a minimum of 5% of all housing solutions (houses and service lots for constructing houses) offered to the working population by the national institution charged with the mandate of building houses, the National Housing Trust (NHT), must be reserved for purchase by persons with disabilities. This policy has been in existence for more than twenty years and is being adhered to by the respective institution. A minimum of 5% of all jobs in the public sector is also to be reserved for persons with disabilities as a part of government's effort to provide equal opportunities and non-discrimination for persons with disabilities. The quota of 5% employment of PWDs in Government has however, not yet been achieved, and there is currently no specific research that has been conducted to provide that data. Similar approaches have been adopted with other government programmes to ensure that persons with disabilities receive equal opportunities and do not experience discrimination.

Article 6: Women and girls with disabilities

60. Jamaica has been in the vanguard for the promotion and protection of the rights of women. In this context, it has signed and ratified the CEDAW. Since the 1970s, Jamaica has enacted legislation to protect the rights of women. The Maternity Leave Act was one such legislation enacted to protect and empower women. The Property Rights of Spouses Act is another legislation that has been enacted by Jamaica to protect and empower women. Moreover, the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act 2011 protects women and girls from all forms of discrimination. All of these laws apply to persons with disabilities.

61. Women and girls with disabilities in Jamaica however believe that although the laws exist for their protection, due to their disabilities, there are occasions when their rights are violated by the mere fact that they are females with disabilities. With the implementation of the Disabilities Act 2014, there is the provision of further assistance in re-enforcing their rights and combating any such violations. Within the general system, women and girls can report violations to the police, through the Bureau of Gender Affairs or through the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA), however; the statistics are not disaggregated by disability and so data has been difficult to be attained. Other existing challenges may be that not many PWDs report violations as they may fear

not being believed, or they may not know about such services and therefore not use it. However; since the Disabilities Rights Tribunal will be specifically for persons with disabilities, there are speculations that more of such violations may come to the fore.

Article 7: Children with disabilities

62. Jamaica is committed to protecting the rights of children with disabilities. To this end, the country signed and ratified the UNCRC in 1991. Jamaica has subsequently passed legislation to bring into force the provisions of the UNCRC. In 2004, the Government passed the Child Care and Protection Act. This legislation has been enacted to protect all children in Jamaica, inclusive of children with disabilities.

63. Notably, established in 1975, the Early Stimulation Programme (ESP) is a special intervention Programme catering to children, up to six years old, who have various disabilities. Administered by the Ministry of Labour and Social Security, the Programme forms part of the Government's social safety net designed to assist the vulnerable in society ensuring children with disabilities attain their rights to early intervention and education to increase their outcomes as valuable citizens of Jamaica. The ESP serves more than 1,500 children through facilities in Kingston and a community-based rehabilitation Programme in Portland and has plans for further outreach in St Ann. Although the facilities are in these parishes, children from across the island are referred or taken by parents to the ESP for intervention.

64. The ESP caters to children up to six years old with mild to severe physical and intellectual disabilities as well as those with visual and hearing impairments. It currently serves exactly 1,516 children, with as many as 60 others who visit the location for weekly assessments.

65. Services offered by the ESP include identification and development assessment of preschool children, physiotherapy, home-based intervention, special early-childhood education as well as parenting workshops and counseling. Children are referred to the ESP through hospitals, health centers, schools, early childhood centers and by beneficiary parents.

66. In July 2017 at the annual graduation ceremony held on Wednesday (July 12) at the ESP Assessment Centre and Multipurpose Facility on Hanover Street, Down Town Kingston, fifty (50) children with various mental and physical disabilities were deemed to be equipped for primary-level studies, having successfully completed the Early Stimulation Programme (ESP) special intervention curriculum. Of the number, 35 will move on to special education primary-level programmes, while 15 will matriculate to the regular school system.

67. Additionally, there has been improved service delivery of special education needs to children with disabilities between ages zero to six years under the Social and Economic Inclusion of Persons with Disabilities Project, following an allocation of $130 million in the 2017/18 Estimates of Expenditure. For the 2017/18 period, children with disabilities who are beneficiaries of the Early Stimulation Programme will be provided with additional rehabilitative physiotherapy sessions and psycho-educational support will be provided to 160 children with disabilities. Parenting workshops will also be delivered to parents of children with disabilities and assistive aids will be procured. A Public Education Programme for Persons with Disabilities will also be undertaken.

68. Other achievements include the provision of 79 assistive aids for children with disabilities on PATH and the development of a curriculum for parenting intervention programmes. The Early Stimulation Programme engages 200 children, of which 60 are currently receiving consistent sessions; and the training of 139 parents of Children with Disabilities in speech therapy on how to cope with special needs children. The project which started in April, 2013 was slated to end in August 2017 but has been extended to March 2018.

69. With the passage of this law, certain fundamental principles as expressed in the UNCRC and the CRPD, namely, the best interest of the child and the right for the child to

express him or herself, were incorporated. The Child Care and Protection Act also put in place certain institutional mechanisms to protect the rights of children. These include the establishment of Children's Registry; the Office of the Children's Advocate and the Child Development Agency. These institutions are mandated by law to protect the rights of children including those with disabilities. Children are also provided for in the Maintenance Act (2005) which makes provisions for parents and guardians to support them. Children with disabilities are covered under this legislation as well.

Article 8: Awareness Raising

70. The Government of Jamaica has been making efforts to sensitize the population about various issues relating to persons with disabilities. Through the JCPD, a number of sensitization seminars have been held at schools, companies, government agencies and in several communities to highlight the talents and abilities of persons with disabilities. Since the adoption of the National Policy for Persons with Disabilities and the ratification of the CRPD, a plethora of seminars have been held across the island with various stakeholders to make them aware of the provisions of the National Policy and the CRPD. The sensitization effort is generally heightened during Disability Awareness Week when a number of activities are planned to celebrate the work of persons with disabilities. During this week of celebration, events are held island wide. Some of these include church services; sporting competitions; radio and television interviews; an exhibition of items produced by persons with disabilities and an evening of excellence where persons with disabilities exhibit their talents through song, poetry, and dance.

71. The Jamaica Information Service (JIS) which is responsible for providing information from the Government to the public, is an important medium through which issues impacting persons with disabilities will be highlighted. The JIS has a responsibility to highlight aspects of the Treaty to the population from time to time The JIS continues to play its role in the process of sensitizing the public of the enactment of the Disabilities Act to facilitate its full implementation. The JIS continues to make the public more aware of the facts surrounding the rights of a person with disabilities. The Research and Publications Department of the Jamaica Information Service has improved the capacity of the agency to research, produce and update a range of publications regarding the enactment of the Disabilities Act 2014 that can inform and sensitize the public in Jamaica and overseas about the policies, programmes and institutions of the Government that seek to protect the rights of person with disabilities. Information on the Disabilities Act 2014 can be found on their website as well as through various media initiatives such as advertisements through television and print media. As part of the process, the JIS also works with the JCPD in the creation and broadcasting of public awareness information through their various media.

72. Through the work of the NGOs, most of whom are beneficiaries of small to medium-size monthly/bi-monthly subventions from the Government, the awareness of disabilities is improving. The enactment of the Disabilities Act, supported by the provisions of the CRPD and other legislation and conventions, should improve the situation over time.

Article 9: Accessibility

73. The Government of Jamaica has been making efforts to improve the access of persons with disabilities to information. A Braille and Large Print Unit was established at the Ministry of Education, Youth and Information to transcribe materials into Braille and large print for the blind and visually impaired. This service is primarily available to students who are blind and visually impaired in primary and secondary education institutions. The service is occasionally extended to individuals outside the education system. Challenges remain, however, in terms of facilitating access to information for members of the deaf and hard-of-hearing community.

74. In the Kingston Metropolitan region, which covers three parishes, concessionary bus fares with the Jamaica Urban Transit Company (JUTC) are available to registered persons with disabilities. These three parishes combine to make the largest area in terms of

population density, with close to 1.3 million inhabitants or close to 50% of the national population. It is also the area with the highest concentration of persons with disabilities. The JUTC also offers among its service, types a specialized service for persons with disabilities along specific routes where a number of institutions and agencies for persons with disabilities are located. Buses are equipped with hydraulic lifts, light and buzzer signals for the use by passengers with such needs, thus facilitating those who are unable to walk, see and hear. Persons with disabilities also have the provision of concessionary bus fare on the wheelchair accessible buses and other government-owned public transport. Other publicly operated buses also contain designated color-coded seats for persons with disabilities and senior citizens. The crew operating these buses was also specially trained to interact effectively with those they served. Challenges remain in relation to access to transportation especially for persons with disabilities living and working in the rural areas of Jamaica. This is especially true because rural transportation is mostly operated by private individuals.

75. In relation to the built environment, the Parish Councils currently, have the capacity to enforce government policy for public facilities to be accessible for persons with disabilities. Persons who intend to construct or renovate a building must apply to the Parish Council in the parish that such construction or renovation is to take place. These Parish Councils could, therefore, use the existing Building Code to promote the installation of accessible features for the better accommodation of persons with disabilities. The Building Bill continues to be debated in Parliament but is yet to be passed. This Act when passed is expected to address the challenges currently facing persons with disabilities in relation to access to buildings. It has as one of its aims to, "enhance amenities in general and require the construction of buildings that provide easy access and adequate amenities for persons with disabilities in particular". The Act goes on provide in paragraph 49 that where buildings open to the public are being constructed or altered; reasonable and adequate provision must be made for access to persons with disabilities. The Building Act will also provide for a new National Building Code.

76. Both Government and private sector organizations have been making efforts to install ramps, sensor-operated doors, lighting, and elevators equipped with Braille and speech indicators for identifying locations. All government Ministries and some other public and private organizations and companies have designated parking areas identified by the international access symbol for persons with disabilities.

77. The Government has made efforts to improve access to technology for persons with disabilities. The Government established a special programme to provide empowerment grants to persons with disabilities through the JCPD. Through this programme, persons with disabilities have been able to secure funding to purchase adaptive aids that will assist them in their developmental quest. This programme is, however, limited as there are insufficient funds to deal with the demand from persons with disabilities. Approximately US$160,000 is air-marked for this initiative annually, of which US$60,000 is apportioned for persons with disabilities to secure equipment and adaptive aids.

78. In 1999, the GOJ established the Government of Jamaica Information Technology Training Programme for persons with disabilities. This project was designed to provide persons with disabilities across Jamaica with training in the use of information technologies, as well as the ability to access information and utilize communication software and equipment. The Jamaica Library Service (JLS) was a major beneficiary of this project as they were provided with software to assist the blind and visually impaired in their reading efforts and to access the Internet. Unfortunately, the project ended in 2002 due to the unavailability of funding.

79. Furthermore, in 2012, the GOJ passed the Telecommunications (Amendment) Act. The Act established the Universal Service Fund where a percentage of the proceeds from telephone calls terminated on networks in Jamaica, is assigned to this Fund to provide access to modern technologies and universal access for Jamaicans. The legislation makes provision for persons with disabilities to be among the major beneficiaries while non-governmental agencies catering to the needs of persons with disabilities can also apply to this Fund for Information Communication Technology (ICT) project support. This is a

major positive development that will significantly benefit persons with disabilities in Jamaica.

80. The GOJ through the E-Learning Project has secured modern equipment and software for six special education institutions across the island. Through this initiative, these six schools have been provided with advanced technologies that cater to the needs of persons with various disabilities. Children who are deaf, blind, or have physical, mental, and intellectual disabilities, now have access to technologies that will enable them in their educational development. Approximately US$300,000 will be expended on this venture.

81. Jamaica is moving towards ensuring that the critical services are available to persons with disabilities. For example, there is a government policy to have all new schools meeting the accessibility standards so that children with mobility impairments can attend schools within their communities and thus remain at home with their families. An audit of the health facilities across the country has also begun so that accessibility features can be factored into any refurbishing or construction of new facilities or departments.

Article 10: Right to Life

82. While the Disabilities Act does not make special mention of the right to life, the Constitution of Jamaica makes the right to life a fundamental right for all persons. This right can only be taken away if an individual commits a capital crime. Persons with disabilities also enjoy this fundamental right to life as set out in the Constitution on the same basis as other persons in the Jamaican society. There is no evidence to suggest that persons with disabilities are disproportionately and arbitrarily denied this right.

Article 11: Situations of risk and humanitarian emergencies

83. Persons with disabilities are listed among the first set of individuals to be provided with assistance in the case of any disaster. All Parish Disaster Committees are mandated to first contact the elderly and persons with disabilities in the case of a natural disaster or humanitarian emergency. As a part of the response procedure of the office of disaster preparedness and emergency management, persons with disabilities are listed among the first set of individuals to be provided with assistance in the case of any disaster. All Parish Disaster Committees are mandated to first contact the elderly and persons with disabilities in the case of a natural disaster or humanitarian emergency. Additionally, following the signing of a memorandum of understanding for a system that facilitates real-time warning and response to disasters such as hurricanes and flooding for the disabled, persons with disabilities are now able to access information on alerts and warnings on existing broadcast systems. The installation of communication infrastructure to facilitate alerts has been done in targeted communities and a registry created of all the disabled persons in the target communities. Shelter managers and disaster responders have also been trained by the office of disaster preparedness and emergency management to deal with persons with disabilities.

Article 12: Equal recognition before the law

84. The Constitution of Jamaica provides every Jamaican with the opportunity for equal recognition before the law. Persons with disabilities also enjoy this right. It must be noted, however, that persons with certain types of disabilities are not allowed to enter into contracts; for example, those who have severe mental illness, as there are questions as to their mental capacity to act and to understand the terms and conditions of such binding agreements.

85. The Mental Health Act provides under section 29 (1) that the Supreme Court, or a Resident Magistrate may, on the application of the nearest relative or the Attorney General exercise authority over the management of the property and affairs of a patient if the Court is satisfied by evidence (medical and otherwise) on affidavit that the patient is incapable by reason of mental disorder of managing and administering his property and affairs. Pursuant to section 29 (3) the Court may, in giving effect to its power under subsection (2) give

directions or make orders in respect of — the fulfilling of any of the patient's contractual obligations; the transfer, vesting, sale, lease, rental or exchange of the patient's property; the acquisition of property in the name of or on behalf of the patient; the continuance or instituting of any legal proceeding on behalf of the patient and inter alia, all financial affairs of the patient.

86. Notably, the Disabilities Act takes into consideration the need for persons with disabilities to be adequately represented before the law. Part V Section 24, states, "A person with a disability shall be entitled to the enjoyment of privileges, interests, benefits and treatment, whether directly or through contractual, licensing, or other arrangement." Additionally, Section 25 states, "A person with a disability shall not, by reason of such disability, be subject to any form of discrimination." Consequently, some recommendations are being advanced to enhance the institutional capacity of the judicial system thereby ensuring the protection of the rights of persons with disabilities; for example, engagement of members of the judiciary in sensitization efforts for an understanding of disability matters and how to better relate to persons with varying disabilities.

Article 13: Access to justice

87. Jamaica has made significant strides in bridging the gap between the systems that exist and the access to justice by persons with disabilities. The Disabilities Act establishes the Disability Rights Tribunal as a mechanism designed to hear and settle issues about the discrimination of persons with disabilities along with other infringements of the Act.

88. Since 2004 there has been greater involvement of persons with disabilities in matters related to justice and the judicial system. In 2006, the Ministry of Justice and the Ministry of Transport & Works contracted an independent consultant to review the provisions of the Road Traffic Act to make amendments to address related concerns. Persons with disabilities participated in the consultations held in this regard. It was revealed that persons with different types of physical impairments such as one arm and one leg or both legs and other mobility impairments felt unjustifiably excluded from obtaining a driver's license. In May 2012, Section 46 of the Regulations of the Traffic Act of 1938 was amended so that persons with disabilities who have these types of mobility impairments can obtain a driver's license.

89. In 2008, the Ministry of Justice hosted a three-day consultation on Justice Reform. Participants included representatives from the GOJ, human rights groups, organizations of and for persons with disabilities, community and faith-based organizations, private sector groups and civil society. Recommendations were put forward from the discussions aiming at improved access to justice by persons with disabilities. The recommendations included:

- Officers of the system being trained to relate to persons with disabilities;
- Courtrooms, and police stations being physically accessible to persons with disabilities;
- The integration of disability awareness topics, including Sign Language in the Police Training curriculum;
- In-service training for court workers, correctional and other members of the justice system;
- Greater awareness by employees and officials of the court of the special needs of persons with diverse types of disabilities; and
- Increased and well-timed communication of postponement of cases, in particular for the elderly and persons with disabilities.

90. Although these recommendations have not yet been incorporated in the relevant legislation and supporting Regulations, efforts are being made to implement those that do not necessarily require a legal framework for action. For example, limited Sign Language training conducted with law enforcement officers through the Justice Training Institute. Before the amendment to Section 46 of the Road Traffic Regulations (June 2010) persons who were deaf were unable to obtain driver's licenses. In preparation for this modification,

the Ministry of Labour & Social Security and the Island Traffic Authority collaborated with the Jamaica Association for the Deaf to provide training to traffic police in basic Sign Language and sensitization to the needs of persons who are deaf. Persons with disabilities were consulted in discussions on amendments to the Road Traffic Act. The participation of persons with disabilities in the justice system has also been extended to the administration of justice. Some of these individuals perform as jurors, lay magistrates, and Justices of the Peace.

91. The justice system is also making efforts to ensure their officers are equipped with the necessary skills to deal appropriately with the community of persons with disabilities. These efforts mainly surround training. In special training of judges and magistrates in 2012, there was the inclusion of a module on disability. This module delivered by individuals with disabilities and other disability specialist focused on understanding the needs and capabilities of persons with disabilities in the courtroom. The recommendations made at this session were integrated into the final submission to the Ministry of Justice for action.

92. The practice of retiring police officers based on medical incapacity was revisited when some officers who had been so retired appealed their cases to the Commissioner of Police and the Police Services Commission citing injustice and absence of fairness in the process. Support for this process came from organizations of and for persons with disabilities through letters to, and dialogue with the relevant authorities. As a practice, these individuals were reinstated and, where necessary, redeployed to job functions/departments more accommodating of their disabilities.

93. The Justice System is being upgraded with the necessary technologies to ensure that all areas of its operations become more efficient and effective. There is an expansion of the use of DNA evidence over the past 10 years, a situation benefiting persons with some disabilities whose evidence are usually questioned when they are unable to express themselves clearly — persons with intellectual disabilities fall into this category of persons. DNA evidence assists greatly in the validation of evidence in cases of Rape, carnal abuse, and other crimes to which children and adults with disabilities at times become victims.

94. Persons with severe forms of disabilities, particularly intellectual, are at times unable to represent themselves at the investigation level and even more so in a court of law. This is so due to the IQ level of persons with intellectual disabilities who in such instances would need someone to speak on their behalf. The government may provide a lawyer to represent such persons in a criminal case, but some of these lawyers are not equipped to understand the peculiarities of these individuals and usually rely on the NGO systems such as the Jamaica Association on Intellectual Disabilities (JAID), the Jamaica Association for the Deaf (JAD) or the Caribbean Christian Centre for the Deaf (CCCD) for more specialized assistance. The Government also provides financial support for Sign Language Interpreters during court hearings in criminal cases that involve a person who is deaf. These skills are not readily found within the government system, therefore the JAD or private Interpreters are contracted to provide the service. This specialist area is limited in Jamaica, and the services are needed across the island. Sometimes cases are protracted due to postponements arising from the lack of legal support and unavailability of Sign Language Interpreters.

95. Based on disability sensitization persons in law enforcement and the legal system including CISOCA continues to request Sign Language Interpreters when they have clients who are Deaf. While the legal system is not at the stage of inclusion it should, efforts continue in sensitizing members to all disability groups to ensure appropriate interaction on all levels.

Article 14: Liberty and security of persons

96. According to the Jamaican Constitution, all Jamaicans by birth or naturalization have fundamental human rights which include liberty and security of person. Persons with disabilities are humans and citizens and are thus entitled to these rights. The National Policy for Persons with Disabilities (2000), the signing and ratifying of the UNCRC (1991) and the CRPD in 2007 and the passage of the Disabilities Bill are significant

demonstrations of Jamaica's commitment to ensuring the human rights of persons with disabilities, including their liberty and security. The above-mentioned documents embrace these rights as fundamental to the peaceful existence of these persons. They signify that persons with disabilities cannot be deprived of these rights arbitrarily; and where there is a deprivation of liberty, it must be within the context of those exclusions which are constitutionally allowed through the courts for a specified period.

97. Jamaica has progressed in the legal framework for Non — Discrimination of Persons with Disabilities (PWDs), especially where it concerns children. We realize that children are among the vulnerable, especially those living with disabilities, and some institutional mechanisms have been created to ensure the protection of liberty and security. The Child Development Agency is a government entity established to ensure that all children are secure, protected while being exposed to all the benefits and services for their development. To this end, the policy of the Child Development Agency is that these are best achieved if children remain in their homes. However; in instances where the safety and security of children are deemed to be compromised within the home, the agency is authorized by the courts to remove the children temporarily or permanently. This action is taken based on investigations and consideration of whether the situation in the homes is likely to improve to ensure their safety. For this purpose, some children with disabilities have been placed in government and privately-operated children's homes or foster care, supported by the government.

98. The Early Stimulation Programme (ESP) is a programme which falls within the remit of the Ministry of Labour and Social Security and provides services to children ages zero to six years in three parishes. Services include education and training and day-care facilities for children with multiple disabilities. This programme also offers parent's sensitization programmes and home visits. Parents/caregivers are educated on ways in which they can secure and protect the liberty of their children; and reduce/eliminate the level of abuse at times meted out to these children. Some achievements of the programme include the provision of 79 assistive aids for children with disabilities on PATH; the development of a curriculum for parenting intervention programmes; improved readiness for school for 78 children with disabilities (CwDs), aged 0–6 years old in the Early Stimulation programme after receiving physiotherapy; engaging 200 children, of which 60 are currently receiving consistent sessions; and the training of 139 parents of CwDs in speech therapy on how to cope with special needs children.

99. Where a person with a disability, (for example a person who has mental illness), displays behaviours assessed to pose possible danger to themselves or others, their liberty may be curtailed by placing the individual in a facility such as the Bellevue Hospital where his/her security is assured, and the individual is medically treated and then returned to their home and community. To ensure a safe return and acceptance by the community, Psychiatric Social Workers interact with the family and community, preparing them for the re-entry of the family member. Despite this, persons exhibiting characteristics of mental illness are sometimes still treated inhumanely as their security outside of the government facilities is not guaranteed. The actions of these disabled persons have occasionally led to retaliation by citizens and the police.

100. In recent times, the general attitude of Jamaicans towards persons with disabilities has become one of empathy. There are also some who believe that those with severe disabilities should be cared for by the state and not necessarily their families. Despite the laws of the country prohibiting poor treatment, there are still several families and community members whose actions at times run counter to the law. Persons with mental and intellectual disabilities are impacted the most by this anti-social behaviour, as they are misunderstood, and at times are treated cruelly under the guise of protecting one's self or others.

101. The police force plays a critical role in ensuring the liberty and security of persons with disabilities. Members of the Jamaica Constabulary Force have also been exposed to disability training through the Justice Training Institute and other NGOs in the hope of reducing the misunderstandings and in some case the poor treatment and temporary deprivation of certain liberties of persons with disabilities. During the focus group discussions, members of the deaf community indicated improved interaction with the police

force because of these training and awareness programmes. These sensitization programmes remain a continuous effort.

102. While the National Policy for Persons with Disabilities and the Disability Act 2014 both contain a comprehensive non-discrimination framework, there are still several families and community members whose actions at times run counter to the law.

103. Jamaica's crime-fighting strategies are continuously being upgraded to deter and capture perpetrators of violence. This is demonstrated in the acquisition of more modern and sophisticated equipment which include state-of-the-art technologies designed to create more effective policing of the country and hence provide greater security. This will also allow more persons with disabilities to obtain justice through the courts (see Article 13). There is also the Witness Protection and the Victim Support Programmes which cater to the needs of citizens requiring these services. Although there are accessible technologies, the video relay system is just being considered by the Jamaica Association for the Deaf and so the Justice system does not yet have exposure or access to its use. Until then, Sign Language interpretation is the main communication method for Deaf clients. Some officers and the judiciary are being trained but even so, it is in the use of basic sign language which would be insufficient for complete use in the Courts.

Article 15: Freedom from torture, cruel, inhuman, or degrading treatment or punishment

104. The Jamaican Constitution prohibits torture and inhumane treatment. The Offences against the Person Act (1864) provides penalties against those found guilty of perpetrating any of the offenses under this Act, including acts that could be considered as torture. It indicates that medical experimentation, abortion, or sterilization should not be conducted without the individual's consent. A person with a disability is required to give informed consent and only where this is not possible, based on the severity of the individual's disability should the decision be taken by a parent/caregiver or an institution under whose care the person resides.

105. The Corrections Act under the Corrections Institutions Rules (1991) allows for medical intervention where an accused person is considered to have a mental imbalance. Upon this diagnosis, a person who is mentally ill would not be incarcerated, but instead, placed in a mental institution for care and protection. The Act also stipulates that no inmate should be subjected to any type of punishment unless a Medical Officer examines him and determines that he has the capacity to withstand such punishment. Furthermore, if an inmate has a disability, this would be recorded in a journal kept by the Medical Officer who examines each inmate to ascertain their health status and their ability to perform certain activities or to be closely confined. It is, however, reported that there are some inmates who are mentally ill and remain in the prison system without receiving the special attention and care their situation may require.

Article 16: Freedom from exploitation, violence, and abuse

106. The laws of Jamaica protect everyone within its borders from exploitation, violence, and ill-treatment. Persons with disabilities have the right under the law to seek redress for any of the above actions meted out to them. The provisions of the Domestic Violence Act (1995) and The Offences against the Person Act in conjunction with institutions such as the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA) may be used by aggrieved persons with disabilities to seek recourse if they believe they are exploited. CISOCA has in the past investigated and brought to the court cases of sexual offenses and abuse against persons with and in which custodial and non-custodial sentences have been handed down to perpetrators.

107. The JCPD, in collaboration with non-governmental organizations working in the interest of persons with disabilities has hosted sexual and reproductive health seminars specifically designed for members of the targeted community island-wide. The Ministry of Health, through its national HIV-AIDS prevention and treatment programmes, has also

included persons with disabilities who have become more aware of their vulnerability to sexually transmitted infections and abuse. Children in special education institutions have also now been included in such sensitization programmes as previously family life programmes did not provide such information.

108. As with other countries, Jamaica has been increasing its focus on children and has, therefore, strengthened old institutions and established new ones (see response to Article 7). The Office of the Children's Advocate (OCA), is responsible for investigating reported violations of children's rights in government or privately-owned children's homes. [The CDA investigates instances of exploitation including in private dwellings, which are where much of the violence and abuse against children takes place.]

Article 17: Protecting the integrity of the person

109. The Offences Against the Persons Act (Section 73) provides there is no medical experimentation, abortion nor sterilization without the individual's consent. A person with a disability is required to give informed consent and only where this is not possible should the decision be taken by a parent/caregiver or an institution under whose care the person resides.

110. The Office of the Public Defender, a commission of Parliament, also represents the rights of persons with disabilities. In 2011, the Public Defender successfully addressed over 20 cases of abuse, and other negative actions against the state and civil society. Legal advice has also been provided for a number of individuals with disabilities who would have otherwise had to pay for this service.

111. The Privacy Laws of Jamaica and the Ethics of the Medical Profession protect all persons from being used for medical experimentation or other treatment or medical procedures without their informed consent or that of their parents or caregiver. Where the individual does not have the mental/intellectual capacity, decisions taken by the parents/caregivers must be in keeping with these laws. In the last ten years, there have been a few anecdotal cases of women with disabilities — in particular women with moderate to severe intellectual disabilities, who discovered that they were sterilized while they were girls without their knowledge and so have been unable to have children as they were viewed as incapable of caring for them. However; there has been no formal report to indicate any breach of Codes or laws protecting the right to privacy. The alternative approaches to dealing with this unsatisfactory situation include: educating persons with disabilities on family life, sexual and reproductive health and taking steps to improve their self-esteem.

112. Sexual and Reproductive Health programmes, have been implemented in schools. The JCPD in collaboration with other agencies has developed training manuals for professionals and other materials for persons with disabilities to better understand their sexual and reproductive health needs. Another approach is to place young girls who are susceptible to sexual abuse and exploitation or have had multiple unplanned pregnancies on birth control medication.

Article 18: Liberty of movement and nationality

113. It is compulsory under Jamaican law that every child who is born in Jamaica must be registered by a designated authority. Currently registration takes place in the hospital of birth or other specified locations in each parish and a birth registration number assigned. Since September 2010, every child who is born as at that date whether in a private or public health facility or at home is given what is classified as a "Child Health Passport". All health-related and developmental activities are recorded in this booklet until the child is 18 years old. There are penalties for parents/caregivers who do not properly maintain the "Passport" or fail to comply with the requirements of the law by having their child suitably registered and their nationality documented.

114. Section 3 of the Jamaican Constitution makes specific provision for the right to a nationality. The effect is to grant Jamaican nationality to every child born in Jamaica, unless the parents are foreign diplomats or enemy aliens. Also, any child born outside of Jamaica is eligible for Jamaican citizenship if his mother or father or both parents are Jamaicans. No distinctions are made on the basis of disability, in law or in practice.

115. Section 13 (3) (f) of the Charter provides for freedom of movement, which is the right of every citizen of Jamaica to enter Jamaica and of every person to move around freely, to reside in any part and to leave Jamaica. The *Passport Act* governs the issuance of passports to facilitate the right to leave the country and accords every citizen of Jamaica the right to be granted a passport and not be denied or deprived thereof, except by due process of law. In practice, freedom of movement is fully respected and there is no law or policy arbitrarily prohibiting the movement of persons with disabilities.

116. Persons with disabilities are facilitated when traveling from one country to another. Both major International Airports are fully physically accessible, with trained staff to meet most of the needs of persons with disabilities. Operational procedures also exist to ensure the safe and unencumbered boarding and de-planing between ports. Assistance is offered where the person is traveling alone and needs personal assistance from the check-in counter to the aircraft then to their destination. Each airport also provides wheelchairs to facilitate those with mobility difficulties such as the elderly and persons with physical disabilities. Persons with disabilities are also among the first passengers to board the flight and receive special attention at the immigration and customs counters. Persons with disabilities are asked to indicate their disabilities and support which will be needed when booking their flights to ensure a smooth transition, during their travel experience. Assistance is provided without any additional cost to the customer. Persons with "hidden/invisible" disabilities or deaf people may at times not be given the necessary attention by airport staff, because the latter are not made aware of their special needs.

Article 19: Living independently and being included in the community

117. Persons with disabilities in Jamaica have the right to live independently and to be included in the society. It is to be noted that the number of persons with disabilities who are living independently has increased. This is mainly due to rehabilitation and training, the housing policy for persons with disabilities, employment, and self-employment programmes and improved public perception. The social safety net also provides for some of those who are unemployed thereby allowing them partial independence.

118. The right to live independently is, however, not always realized due to over-protectiveness by parents/caregivers and/or the lack of emphasis in some training institutions on independent-living skills for persons with disabilities. This becomes important as the financial resources of the country do not allow the Government to provide personal assistant care for persons with disabilities who may wish to remain in their homes but who need this kind of support. This would be a personal cost to be borne by the individual with the disability, which is likely to be difficult given the challenging economic situation of most persons with disabilities. Limited home-care is provided by Community Health Workers who do home visits, but these are specific to ascertaining the conditions of the individual and making recommendations to resolve those issues that need attention.

119. Where the conditions of the individual dictates personal, sustained, and regular care and families are unable to manage, the individual may be consensually removed to a government-supported and managed infirmary where the State provides meals, clothes, and other amenities.

120. Inclusion in community activities is also dependent on the attitude of the individual with disabilities and the awareness of the residents of the community. The involvement of persons with disabilities is usually restricted by physical and attitudinal barriers. This inability also applies to access to services. There are however health centers in most, or neighbouring communities and efforts are being made to ensure that health services are accessible. The efforts are borne out in the placement of outpatient clinics on ground floors, ramps, and training programmes to sensitize especially front-line staff in the health

facilities to interact with persons with disabilities. There remains, however, barriers for persons who are deaf in communicating with service providers as these service providers do not understand Sign Language.

Article 20: Personal mobility

121. The provision of wheelchair accessible buses that provide transportation services for students and workers with disabilities in the Kingston Metropolitan Area (see paragraph 43 above) has facilitated greater personal mobility. Amendments were made to the Road Traffic Act in 2005, 2010 and 2012 to allow persons who are deaf and those with mobility impairments to obtain drivers licenses. The Ministry of Finance &the Public Service also permits concessions on General Consumption Tax for the purchase of motor vehicles for the personal use of persons with disabilities.

122. The National Housing Trust adjusts the houses they construct to facilitate persons with mobility impairments. Other housing developments are also being built with accessible features, on the lower levels. These include wider doorways, non-skid tiles, proper lighting, wide corridors, and elevators with adequate space to accommodate easy manipulation of wheelchairs and speech and directional signs that are tactile. These activities and the level of compliance are evident in the Kingston metropolitan areas, and to a lesser extent in shopping centers in the major towns of the parishes. Awareness, practice and compliance in the rural areas are minimal, however.

123. The JCPD, through non-governmental sources, occasionally acquires wheelchairs which are provided free or at a very minimal cost to persons with specific disabilities. The Food for the Poor, a non-profit organization, and some service clubs also provide mobility aids for persons with mobility impairments. Mobility aids are imported on a non-taxable basis. Availability and affordability of mobility aids and appliances remain a challenge nonetheless, as there are a limited number of suppliers of mobility aids in Jamaica. Mobility aids are mostly imported and are, therefore, costly despite their non-taxable status. Similarly, assistive technologies are not manufactured in Jamaica. While it is not difficult to source these technologies, the costs are inhibitive for most persons with disabilities, especially those who are unemployed.

124. Training is offered in special education institutions such as the Schools for the Blind and Stimulation Plus which is a service of the Early Stimulation Programme of the JCPD and the Clarendon Group for the Disabled (CGD). Rehabilitation services are provided in private institutions such as the Sir John Golding Rehabilitation Centre and Community-Based Rehabilitation Jamaica along with the public and private hospitals and clinics that offer physiotherapy services. However, there are inadequate specialists, particularly needed to facilitate those individuals who are not attached to any of these organizations and therefore not knowledgeable of the services offered; for example, those persons who have become blind in adulthood. These services would normally be provided by the Jamaica Society for the Blind (JSB). However, the organization has had to reduce the provision of this service due to the lack of financial resources.

Article 21: Freedom of expression and opinion and access to information

125. The Access to Information Act affords all citizens the right to view government documents and to request and obtain information, except where the information is of a sensitive nature and highly confidential. All government ministries, departments, statutory bodies, and executive agencies have a website where information is posted on a regular basis. This information from government institutions is therefore accessible via the Internet. As part of the Vision 2030 Jamaica — National Development Plan, access to public information in alternate formats which are amenable to persons with disabilities is strongly promoted. One example of this was the reproduction and distribution of the National Development Plan by the Ministry of Education's Braille and Large Print Service to libraries, schools and NGOs which serve persons who are blind.

126. Similarly, for the first time in Jamaica in 2012, persons who are deaf and hard-of-hearing were privy to the election campaign activities and speeches as each political party engaged the services of Sign Language Interpreters at their main mass meetings.

127. Many private sector organizations including some of the print media also provide information through advertisements, radio interviews and sponsored radio and television programmes. Persons who are blind or visually impaired with Internet access can read main sections of the newspapers via the Internet using speech software. While these formats are accessible to persons who are blind, persons who are deaf face greater challenges as there is neither sign language interpretation nor Closed Captioning for television advertisements.

128. The GOJ has fully accepted Jamaican Sign Language as the language of the deaf, and this is manifested in their approach by providing support for the use of this language in the courts and on special occasions.

129. All citizens of Jamaica enjoy the freedom of expression under the Constitution. Along with a multiplicity of radio programmes which encourage telephone discussions on a variety of topics with any individual, persons have other channels through the formal and informal media to express themselves. Social media is utilized daily to share views on local, regional, and international issues. Persons with disabilities also enjoy this freedom. Persons who are deaf and hard-of-hearing at times are unable to effectively express themselves through these media due to communication barriers. Information technologies have, however, provided them with more opportunities to participate, for example, through video and text messaging.

130. Through the initiative of Ministry of Technology, the placement of computers including those with speech software in the public libraries across the country also facilitates individuals with disabilities who have no personal computer or internet access to utilize online services. Computers are equipped with Wi-Fi service also, allowing persons to conduct a wide array of business transactions, as well access information on services provided by the Government, among other things.

Article 22: Respect for privacy

131. Chapter III, Article 13 (j) provides for the right to every person in Jamaica to his or her privacy. The Article guarantees:

"The right of everyone to

(i) Protection from search of the person and property;

(ii) Respect for and protection of private and family life, and privacy of the home; and

(iii) Protection of privacy of other property and of communication".

132. In addition to the Constitution, laws, eg. The Charter of Fundamental Rights and Freedoms, conventions such as the Rights of the Child and the Rights of Persons with Disabilities to which Jamaica subscribes, and codes of conduct of medical professionals and paraprofessionals articulate the right to privacy of all citizens of the country, except where the courts proscribe this privacy. Like the rest of the population, where there are deviations or a breach of these Codes, persons with disabilities can seek redress through the courts. The GOJ has received no formal reports to indicate that these privacy codes have been breached in relation to persons with disabilities.

Article 23: Respect for home and family

133. Under the Constitution and the National Disability Policy, persons with disabilities have the right to enter relationships, marry a partner of his/her choice, establish a family, and decide on the number of children they will procreate. The law allows for remedies if they are deprived of such rights.

134. The JCPD and the CDA in collaboration with non-governmental organizations have conducted sexual and reproductive health and parenting training workshops for persons with disabilities. Sensitization of health workers and employees in professions allied to medicine have also facilitated an enhanced understanding of disabilities, how to be more sensitive to the special needs of persons with disabilities and to encourage recognition of the fact that such persons are also citizens of the country and therefore entitled to the same rights as other persons in society. Public awareness programmes via the electronic media have also assisted in reducing the abusive and degrading comments which often cause persons with disabilities to refrain from seeking medical advice and birth control products.

135. The policy of the government which is implemented by the Child Development Agency is to, as much as possible, have children with disabilities remain in the home with their families. Where there is evidence that they are unable to do so based on abuse or other reasons, and no other family member or member of the community can, the child is removed to a government facility (children's home) for the child to be cared for by the State. If this is not possible the child may also be placed in foster care and the foster parents are provided with support from the government until he/she returns to his/her family or is adopted by the foster parents.

136. While the government has no specific structured child-rearing support programme for children with disabilities, it assists poor parents with the education and healthcare of their children through the PATH Programme. Parents on this programme or adults with or without disabilities can acquire skills through the Steps to Work Programme or through income-generation activities. This support from government is geared towards enabling them to take care of their children in a more sustainable manner.

137. The JCPD administers the Empowerment Grant Programme where persons with disabilities and parents of children with disabilities can secure grants for income generation to assist their families. More than 2000 families benefited from the Empowerment Grant programme between the commencement in 2008 and 2017.

138. The Maintenance Act (2005) provides for persons with disabilities from childhood to old age. It states that where a person has a disability and cannot care for himself, then family members (a child, parent, or grandparent) is responsible for the individual's care. Article 8 provides that: (1) Subject to subsection (2), every parent has an obligation, to the extent that the parent is capable of doing so, to maintain the parent's unmarried child who:

(a) Is a minor; or

(b) Is in need of such maintenance, by reason of physical or mental infirmity or disability.

139. Where a parent is incapable of maintaining a child due to, inter alia, mental infirmity or disability, grandparents, where they are able to have an obligation to maintain said child/children under the Act.

140. Article 10 requires a person not minors to maintain parents or grandparents, within their capabilities, where the parents or grandparents are in need of such maintenance by reason of age, physical or mental infirmity or disability.

141. The right of persons with disabilities to have children is also generally respected and as noted in paragraphs 70 and 74, there is no programme of forced sterilization targeting this group.

142. For the 2017/18 period, under the Early Stimulation Programme parenting workshops was delivered to parents of children with disabilities. Under the programme, parents of children with disabilities have been receiving training on how to cope with special needs children.

143. In March 2017 scores of parents of children with special needs were motivated and empowered by the information shared with them during a seminar put on by the Ministry of Education's Region One Office. More than 160 parents and some 230 students and teachers attended the seminar which was successful in fulfilling the ministry's mandate of providing equitable educational opportunities for all. The seminar was part of a Parent Information Fair, organized by the Ministry of Education Region One in partnership with various

stakeholders including the National Parent Support Commission, the Jamaica Council for Persons with Disabilities, the HEART Trust/NTA, the Nathan Ebanks Foundation, the Jamaica Association for Children with Learning Disabilities, the Office of the Children's Registry and Children First. The seminar included various presentations on how to ensure that children with disabilities enjoy their rights on an equal basis with other children.

Article 24: Education

144. The Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act 2011, guarantees the right of every child who is a citizen of Jamaica, to publicly funded tuition in a public educational institution at the pre-primary and primary levels. The Child Care and Protection Act is an additional piece of legislation that serves to buttress the Constitutional provisions by mandating that parents or guardians take the necessary steps to ensure that their children are enrolled in and attend school. Both pieces of legislation offer protection to children living with disabilities. Simultaneously, the Education Act (1965) subscribes to similar objectives while prescribing sanctions for parents who do not adhere to the law. Penalties are inclusive of both fines and/or imprisonment.

145. In 1978 the government adopted responsibility for the operating costs of the special education institutions and since that time more children with disabilities have been able to gain access to special education programmes. Children with disabilities are served by approximately 44 independent and government-run special education facilities at the pre-school, primary and secondary levels across the island. These organizations receive financial and technical support from the government through the Ministry of Labour and Social Security (MLSS) and the Ministry of Education, Youth, and Information. The Jamaica Association for the Deaf is one such non-governmental organization that receives financial support from the Government and which serves a dual purpose of educating the deaf and hard of hearing while preserving their linguistic identity.

146. Jamaica's ratification of the CRPD acknowledged and solidified an obligation to ensure that persons with disabilities are not excluded from education because of their disability. The Government recognizes the need to ensure that children with disabilities are not alienated by being educated in segregated schools but are entitled to the same education and curriculum as other children. Most importantly, the GOJ is also committed to making this type of education a reality, however; financial constraints and inadequate professionals for the provision of Special Education is impacting the ability to achieve this goal fully.

147. Efforts are currently being made to ensure greater inclusion of children with disabilities in all government-funded primary and secondary schools. However, there are challenges. Much of the work to be done relates to accessibility and access to technological tools to enhance the learning experience, as well as a more in-depth exposure of educators to special education techniques in their training. Additionally, greater emphasis and provision needs to be made for children with mild to moderate levels of hearing and intellectual disabilities. The Ministry of Education, Youth, and Information and the JCPD have been providing Shadows or Personal Assistants to assist students with moderate to severe disabilities attending regular or Special Education Schools.

148. Children with disabilities have access to early identification, intervention, and education services. The ESP identifies and creates programmes to stimulate and enhance the development of children with various disabilities. The programme is also designed to offer special early childhood education for children aged zero to six years, tailored to suit the holistic development of each student, gradually moving from individual sessions to group exercises. This also facilitates developmental assessment to aid in the school placement for the child once they have left the ESP.

149. Community-Based Rehabilitation programmes also facilitate the development of children with disabilities, so they can transition into the Early Childhood Education system. The Child Find programme has also been used to identify students with special needs and provide early intervention through the Education System Transformation Project. Through this project, ten percent of the children assessed were deemed to need special learning interventions. In 2011 the Special Education Unit in the MOE in collaboration with seven

Special Education Units in public institutions continued its annual literacy intervention programme involving children with special needs. A post-test is administered in May of each year commencing with a pre-test in literacy at the beginning of the school year, to determine the literacy gains of each child during the assessment period. The Child Find programme completed in 2014 identified 7,628 children with special needs for the provision of intervention through the Education System Transformation Project. Through this project, thirty-four percent of the children assessed were deemed to need special learning interventions.

150. Some identification of children with disabilities is achieved at the primary level during education competency evaluations. However, more professionals are needed to assist in the assessment process.

151. The services offered by the ESP are limited to 4 parishes. While government-supported NGOs such as Community-Based Rehabilitation Jamaica (formerly 3Ds and Rural Services for Children with Disabilities) offer similar services to that of the ESP, they still do not have the financial and technical capacity to operate island wide. Children with multiple and profound disabilities are therefore underserved in the education system as the ESP cannot serve all the children island-wide.

152. At the primary and secondary levels, efforts are being made to expand the technologies, methods and approaches used in the teaching process to enhance the learning experience for students with disabilities. Collaboration between the Ministry of Education and the University of the West Indies saw sixteen primary schools receiving special software and computers to improve technological access for some students with disabilities. Enrichment and Resource Room Services is an initiative between the Ministry of Education and civil society to improve the outcomes for students at the primary level Implementation of the technology in 56 schools across the island saw benefits to 1200 students, including those with intellectual disabilities. Some of the secondary schools which accommodate children with disabilities have also been provided with e-learning laboratories. With the availability of technology, mainstreaming to secondary schools through the GSAT examinations has become easier. GSAT is the final exam taken by students at the primary level to facilitate placement in a high school.

153. Some vocational training is available through the Special Education Network and the Abilities Foundation which are both part of the Human Employment and Resource Training (HEART) Trust/National Training Agency (NTA). The Foundation works in collaboration with the Ministry of Labour, Social Security, and the HEART Trust/National Training Agency. The Abilities Foundation provides quality vocational education to persons with disabilities to enable them to function as creative and productive citizens. The Foundation caters to all types of disabilities. Training includes areas such as computer applications, furniture making, horticulture and landscaping, design and décor, garment construction. The Foundation caters to approximately 80 students. Students completing the Courses are certified by the HEART Trust NTA.

154. A limited number of persons with disabilities are integrated into the main HEART/NTA programmes island-wide. It is, however, recognized that these facilities need to be more accessible to persons with all types of disabilities. There still exists communication and infrastructural barriers to the full participation of these individuals in this national training institution.

155. The University of the West Indies (UWI), Mona Campus also offers special services to students with disabilities through the operation of the Office for Special Student Services (OSSS). While students are provided with the same curriculum as their counterparts in the same teaching/learning environments, special examination accommodation is afforded based on the type and extent of the disability. The OSSS and the main library are also technologically equipped to meet the reading, writing, research, and other needs of these students. These capacities are further strengthened by a cadre of volunteers from all faculties of the campus and other tertiary institutions. The UWI and the University of Technology campuses are also partially accessible to persons with disabilities — in terms of physical access, availability of all the necessary technology, and availability of special

education facilitators — with other universities developing programmes to cater to students with special needs.

156. The Office of Special Student Services at the UWI, Mona Campus was established specifically to address the needs of students with disabilities. All new buildings are accessible to persons who are physically challenged and since 2003; the Library has been operating the Visually Impaired Students Technology Assisted Services Unit (VISTAS), which provides visually impaired students with a facility that allows them to compete effectively with the sighted world. However, it must be noted that there are other students with other disabilities who may need other services to enable their complete access to the university.

157. The data from the Child Find for the academic year 2014/15 indicates that there are 3,213 students with disabilities in the general school system at the primary level while there were 71 in secondary education. With no other research since 2014 to determine how many children are enrolled in regular schools, for the academic year 2016/2017, it is noted that 4,188 students with disabilities were enrolled in special education schools. The GOJ recognizes the significant differences in educating children with disabilities and as such will ensure that Special Education training continues to be a part of the curricula of Teachers' Colleges and Universities. All teachers must complete training on 'exceptionalities' during their certification. In 2017, over 2000 teachers, school principals from 600 Primary and 150 Secondary schools were sensitized and trained on issues dealing with "exceptionalities". Sensitization sessions have also been conducted with Education Officers in preparation for the Alternative Pathways to Secondary Education programme. An additional 16 support staff members were trained to assist students who were granted special education accommodation. Teachers are also provided with in-service training for working with students with disabilities at their school of employment, thus providing exposure to augmentative and alternative communication techniques. In addition, The Mico University and Sam Sharpe Teachers' College offer special education programmes for those who wish to specialize in that field. At the post-graduate level courses are offered through the University of the West Indies, the Mico University College, and the Nova South Eastern University offshore campus.

158. Education for students in the least restrictive environment is being promoted as the way forward in government schools which is evident in the current drafting of a Special Education Policy by the Ministry of Education, Youth and Information. Least restrictive environment refers to an educational setting or programme which allows the exceptional learner to develop and learn in an environment best suited to his/her ability, in the same setting as peers and without discrimination. This allows them access to educational opportunities and experiences to continue their development without bias or prejudice. There are efforts towards inclusion such as the provision of resource rooms and itinerant teachers. The Ministry has also trained teachers from 29 primary schools as a part of the effort to realize this policy.

159. The Ministry of Education, Youth and Information provides Braille and Large Print service to ensure that educational material is available to students who are blind and visually impaired in special education and mainstream schools. The Jamaican government is cognisant of the fact that children with disabilities are entitled to the same education as children without disabilities and as such the schools in the special education network utilize two curricula: The Ministry of Education Revised Primary Curriculum and a competency-based curriculum specifically geared toward the needs of children with Intellectual Disabilities.

160. Since the signing and ratification of the CRPD by Jamaica, the GOJ has intensified its efforts towards ensuring that the critical services are available to persons with disabilities. There is, for example, a government policy to have all new schools meeting the accessibility standards so that children with mobility impairments can attend schools within their communities and thus remain at home with their families. They will also be better able to access secondary education. As it relates to accessible schools, the National Building Code which speaks to a public building. Additionally, the Ministry of Education Planning & Design Standards For School Buildings And General Facilities, (2013), states that "Ramps must be installed for persons using wheelchairs to access the ground floor and lifts

to access the other floors. The slope of the ramp should be 1:13 or 7.7%. The corridors should be fitted with appropriate rails. Corridors should be a minimum of 1.525m. There are currently 127 out of the 764 Primary Schools and 35 of the 167 Secondary schools with ramp access.

161. In 2017 a total of 241 candidates with disabilities who sat the Grade Six Achievement Test received examination accommodations, this figure decreased from the 292 candidates with special needs who sat the national examinations and granted examination accommodations in 2014. Despite the decreased figure, this accommodation allows for greater equity and access with the provision extended time, readers, scribes, prompters, preferential seating, and separate examination centers, depending on the student's individual needs. These examinations provide the necessary qualifications to determine matriculation into higher education institutions as well as serve as a basis for which persons have an opportunity in the job market.

162. Up to December 2016 under the Economic and Social Inclusion project, round one skills training interventions were completed which saw 200 persons with disabilities (PwDs) trained; 123 received employment for six months and 34 received permanent employment; the second round of skills training intervention began, which saw five consultant contracts signed in October 2015 for the provision of training of 190 persons with disabilities on PATH.

163. One of the major complaints from persons with disabilities is the limited opportunity for them to access secondary and post-secondary educational facilities which are equipped to cater to their needs. In 2010 through a partnership between the CDA and the Jamaica National Commission for UNESCO, a project was undertaken that prepared 37 adults with disabilities for the Caribbean Secondary Education Council Examinations and had an almost 92% success rate. Since that time, there has been a discontinuation of the programme because of a lack of funding. However, the Lister Mair-Gilby High School for the Deaf provides a continuing education programme for CSEC students.

164. Accessible transportation also constitutes an obstacle at the primary and secondary levels, as well as the poor state of some roadways which causes damage to wheelchairs and other mobility aides.

Article 25: Health

165. The Government of Jamaica recognizes the right of persons with disabilities to have access to quality healthcare services. Presently, all public health facilities exercise a no user fee policy for everyone. However, due to challenges such as the long waiting time, inadequate resources, and equipment such as limited bed spaces in hospitals, inadequate supplies of medication, lingering debt of the cash-strapped health sector and poor infrastructure, the government is reviewing the policy to ensure that the quality of service is not further diminished. The Government will examine the potential advantages of implementing an effective waiver system determined on the person's ability to pay.

166. The non-discrimination provisions of the Jamaican Constitution are also relevant to healthcare. Persons with disabilities have access to these health services on the same basis as other persons, including in relation to sexual and reproductive health. In a collaborative effort between the JCPD and several NGOs providing services for persons with disabilities, an extensive Sexual and Reproductive Health programme was implemented. The project saw sexual and reproductive services being provided to women with disabilities across the island. The project also saw the establishment of a special window at the JCPD to provide various contraceptives for women and men with disabilities. Support for this programme came from funding by the GOJ and the United Nations Population Fund (UNFPA). This programme has since morphed with services provided in regular pharmacies as sensitization sessions increased and had continued for medical practitioners and pharmacists enabling them to provide more client-friendly services.

167. Persons who are deaf however, still do not believe the system is equipped to deal adequately with their concerns. The privacy of these individuals is not guaranteed as they must rely on an interpreter to communicate their health concerns to the health provider.

168. The Ministry of Health provides medical rehabilitation services through the Sir John Golding Rehabilitation Centre free of cost. The Centre offers long-term rehabilitation services with eleven other public hospitals providing acute care. General health care services are also available to persons with disabilities at clinics in each parish.

169. Training on the provision of services to persons with disabilities is provided sporadically to primary care physicians, nurses, physician assistants, and rural health workers. Training is largely provided by NGOs. In addition to public awareness campaigns, some public health nurses and midwives are also currently being trained in collaboration with the National Family Planning Board to ensure that disabilities and the rights of persons with disabilities are understood. The training will ensure that communication with persons with disabilities can be better facilitated and sexual and reproductive health issues are adequately addressed. This project also makes provision for contraceptive counseling for adolescents with disabilities.

170. The National Insurance Act makes special provisions for insured persons injured or acquiring a disability during insured employment. The Act allows for contributors to the National Insurance Scheme to receive support following an accident on the job that contributes to disability. Life insurance is available to persons with disabilities from the private sector.

171. Efforts are being made to ensure physical access to health facilities in order to improve access to healthcare by persons with disabilities. An audit of the health facilities across the country is being undertaken so that accessibility features can be factored into any refurbishing or construction of new facilities or departments.

172. The JCPD also assists persons with disabilities, including children, with assistive aids/devices to support their overall development. The JCPD allocates over six million dollars annually to assist persons with disabilities in facilitating the acquisition of assistive aids such as prosthesis, hearing aids, canes, wheelchairs and crutches or to complete therapeutic need for example, speech therapy, occupational therapy. This grant helps to relieve clients of the psycho-social pressures of living with a disability while providing the necessary intervention for the full development of the children. For the 2016/2017 period a total of seventy-eight (78) persons were given assistive aid grants, forty-seven (47) males and thirty-one (31) females in the sum of Twelve Million Five Hundred and Forty-One Thousand Six Hundred and Eighty-Three Dollars and Ten Cents (JMD$12,541,683.10). Assistance was sought to obtain for example, hearing aids for the Deaf and Hard of Hearing, wheelchairs for the mobility impaired as well as laptops and other assistive technology to provide a better quality of life and equal opportunities for persons with disabilities.

Article 26: Habilitation and Rehabilitation

173. In full realization of the right of persons with disabilities to develop and maintain maximum independence and full inclusion through a comprehensive rehabilitation programme, the Government of Jamaica is committed to expanding and improving the currently available habilitation. Based on the CRPD the term 'habilitation' describes the process of supplying a person with the means to develop maximum independence in activities of daily living through training or treatment and rehabilitation services. The issue of accessibility and habilitation conjoin to afford persons with disabilities with independence throughout all areas of public life: The implementation of legislation will provide the basis for this. The habilitation process involves the development of appropriate behaviours inclusive of self-advocacy skills, social graces and self-care and grooming habits and the development of cognitive skills. Through the JCPD, the ESP, and the government's funding of NGOs that support persons with disabilities these goals are being achieved. The rights of persons with disabilities are respected as they are not forced to participate in these programmes but are instead able to opt in and out. Currently, students with severe disabilities are provided with Personal Assistants (PAs) to ensure they can

maximize their educational experience. These PAs are paid for through the partnership and assistance of the JCPD and the Ministry of Education based on the availability of funds.

174. Important to the habilitation and rehabilitation process is the use of technology. Assistive mobility devices are available at the Sir John Golding Rehabilitation Centre on a subsidized basis. The JCPD also provides financial assistance through their Assistive Aid Grants to purchase these aids. Assistive devices for Blind/visually impaired and deaf and hard-of-hearing are also available at NGOs such as Jamaica Society for the Blind and Jamaica Association for the Deaf. Despite the availability of these devices, most persons with disabilities have difficulties in purchasing them due to the cost, and many rely on donations or government support to acquire them. Through the Early Stimulation Programme habilitation services are provided to children 0–6 years old free of cost as this is one of the paid services of Government. The JCPD through one of its workshops, the Assessment &Guidance Centre clients gain daily living and self-care skills. Those who had limited social skills leave the programme with the capacity to move onto further training, be employed on the open market, or engage in self-employment through entrepreneurial ventures.

175. The Mental Health Act also provides for the rehabilitative health of persons with disabilities by imposing a duty on law enforcement to detain and dispatch to a mental facility anyone deemed mentally ill, so they may receive the necessary treatment and care. This Mental Health Act 1999 charges the government with the responsibility of providing mental health services in each health region which should afford rehabilitative services for persons after their discharge from a psychiatric facility; supervised home care and support for persons with mental disorders; and services for the promotion of mental health. It is evident though, that from a legislative perspective, the Jamaican government is providing protection for the rights of persons with mental illness to rehabilitative services.

Article 27: Work and Employment

176. The GOJ recognizes the right of persons with disabilities to have legitimate access to the labour market. Policies have been implemented in recognition of this right as well as sensitization for employers to guide and improve workplace interactions. The National Policy for Persons with Disabilities states that a minimum of 5% of jobs in the public sector should be reserved for persons with disabilities provided they possess the required qualifications. Many persons with disabilities are however unable to fill positions in the public sector due in part to them lacking the requisite qualifications.

177. The Employment (Termination and Redundancy Payments) Act of 1974 requires that employees who develop a disability while on the job be made redundant and not dismissed. The Act provides special compensation benefits in these instances, depending on the length of employment. However, there are no measures in place to facilitate re-employment after redundancy. The position now being considered is one in which retraining and/or redeployment becomes the first option before redundancy is considered. The National Policy for Persons with Disabilities and the Disabilities Act support this position.

178. There is currently no specific legislation in place to prevent discrimination against persons with disabilities in the workplace but provisions have been made in the Labour Laws to afford employment and workplace protection for persons with disabilities.

179. In the private sector, barriers such as inaccessible workplaces and transportation cost further prevent gainful employment. In some cases, despite the vocational training and skills possessed by persons with disabilities, discrimination persists. Discrimination is a violation of the fundamental rights accorded to persons with disabilities under the Charter of Fundamental Rights and Freedoms. Until the establishment of the Disabilities Rights Tribunal, public awareness and sensitization with employers are the means utilized in the encouragement of their employment of PWDs. In 2016, an employment promotional video was created to further the drive.

180. The HEART Trust/NTA currently develops, encourages, and monitors the training and employment processes for its trainees, which include persons with disabilities. It assists in job placement exercises in Office Administration/Data Operations, Housekeeping, Furniture Making, Garment Construction and Horticulture (Basic Gardening). Furthermore, the Ministry of Labour and Social Security provides a Rehabilitation Grant that enables persons to create and expand their economic base and reduce dependence on the state. These grants support the start-up and support of micro-enterprises such as haberdasheries, vending, barbering and livestock rearing.

181. The Jamaica Emergency Employment Programme (JEEP), short-term employment for persons at the lower socio-economic level, introduced in 2012, provided a certain percentage of jobs for individuals with disabilities. The programme catered mainly for persons between the ages of 18 and 30.

182. The National Youth Service Act (1999) continues to provide for persons between the ages of 17 years and 24 years who satisfy the Board that they possess the prescribed qualifications to be eligible for selection as a participant, could be selected for training and or employment. More persons with disabilities are accessing training and employment through the NYS Employment programme. This programme also assists with support for tuition fees at the tertiary level of the education system. Additionally, the NYS training programmes continue to include youths with disabilities in training and placement.

183. The JCPD administers the Empowerment Grant Programme where persons with disabilities and parents of children with disabilities can secure grants for income generation. The JCPD, through the MLSS distributes economic empowerment grants of up to $150,000 JMD to persons with disabilities to assist with the development of small businesses. The Programme started in May 2008 with over two thousand and fifty beneficiaries to date. Between 2014 and 2016 a total of 450 clients benefited from the programme. For the period 2013/2014 one hundred and twelve (112) persons with disabilities were approved for the grant totaling Fifteen Million Five Hundred and Eighty-Four Thousand Six Dollars ($15,584,006.00). In the 2015/2016 fiscal year a total of one hundred and ninety-two (192) applications were approved for economic empowerment grants to the sum of Eighteen Million Four Hundred and Fifty-Three Thousand Five Hundred and Fourteen Dollars and Fifty-Two Cents ($18,453,514.52). Additionally, for the financial period 2016/2017 a total of sixty-eight (68) clients was provided with economic empowerment grants totaling Five Million Three Hundred and Forty-Nine Thousand and Twenty-One Dollars and Thirteen Cents ($5,349,021.13). This grant provides a social safety net for persons with disabilities while enhancing the prospects for increased independence and social inclusion.

184. The economic empowerment grants enable persons to create and expand their economic base and reduce dependence on the state. This grant supports the startup and assistance of micro-enterprises such as haberdasheries, vending, barbering, livestock rearing and farming. The JCPD also provides clients with guidance on maintaining the businesses through Business Management Workshops. In 2016, three business management workshops were held and thirty clients were trained from five parishes — Kingston, Hanover, Clarendon, Westmoreland and Manchester.

185. The JCPD further facilitates job placement for their members by liaising with various organizations which could benefit from the skill sets of persons with disabilities. This placement is a broad selective service specifically engaged in finding employment for persons with disabilities who are so qualified. Between the periods 2014–2017 approximately 800 persons with disabilities were placed in temporary and permanent employment in the public and private sectors. Jobs secured range from secretarial, accounting, landscaping, and skilled labor and janitorial. This has positively impacted persons with disabilities for more effective integration in the employment sector.

Article 28: Adequate standard of living and social protection

186. Jamaica is committed to ensuring that the quality of life enjoyed by citizens is at an acceptable standard and has committed its financial, technical, and human resources to achieve development status by the year 2030. The National Development Plan was

designed to guide this process which requires the implementation of several policies and programmes. Key among these is those dealing with social protection for Jamaicans.

187. The government has put in place programmes that are aimed at improving the living conditions of persons with disabilities, recognizing the possibility of their increased vulnerability. These include the provision of opportunities for persons with disabilities to gain assistance through the PATH Programme. The PATH is a conditional cash transfer programme that delivers amongst other things, cash benefits to the poorest Jamaicans. Persons with disabilities constitute one of the five categories of beneficiaries.

188. The MLSS, through the National Insurance Scheme, offers an Invalidity Benefit for contributors (women under sixty-three years and men under sixty-five years) who were previously employed but have become incapable of working due to physical or mental illness. As part of the Social Safety Net provisions compassionate and emergency grants have been allocated to assist victims of fires, hurricanes, and robberies as well as to provide persons with medical procedures. Likewise, Education and Social Intervention Grants are used to assist children in inner-city communities whose parents are unable to purchase books, uniforms or pay auxiliary fees to enable them to attend school. All these Social programmes encompass persons with disabilities, (once assessed to be in need) to receive benefits. Rehabilitation grants are also available (see response to Article 27 above).

189. The JCPD provides each registered individual with an identification card which is used to activate benefits such as concessionary bus fares in the Kingston Metropolitan Area to ease the cost of transportation for persons with disabilities. There is also an assistive aid grant which helps individuals purchase special equipment based on the type of disability. These grants cover the purchasing of computers, software, hearing aids, wheelchair batteries, and white canes among other types of devices. For tertiary level students, educational support such as school fees and textbooks are also provided through the Margaret Moody Fund.

190. Additional benefits are provided under the Income Tax Act where income derived from wounds, disability pensions and war gratuities are exempt from income tax as well as the income of a person with a disabling permanent physical condition. The JCPD also facilitates the accompanying application process for this benefit. They also provide referral services directing members to other agencies that cater to the needs of persons with disabilities, offering training opportunities, education, and rehabilitation services.

191. The National Housing Trust (NHT) provides special housing opportunities to persons with disabilities. The Housing Trust provides a special loan option within its Benefits Programme which gives assistance to contributors with disabilities wishing to purchase homes. For the 2017/2018 financial year (April 2017–March 2018), the Government of Jamaica increased NHT benefits to persons with disabilities. Currently, NHT contributors with a disability, who are certified by the Jamaica Council for Persons with Disabilities, repay their loans at a rate of interest of two-percentage points below that of the income group in which they fall. As of July 1, individuals earning up to JMD $30,000.00 weekly (approximately USD 234.00) will borrow at a rate of 0%. The NHT will also provide a grant of JMD$150,000 (approximately USD $1,170.00) to NHT mortgagors with disabilities or to mortgagors who reside with and care for a family member who is disabled, to retrofit or upgrade the dwellings to make them more suited for their needs.

192. The Government will continue to expand the opportunities for social protection for persons with disabilities while enhancing the prospects for increased independence and social inclusion. A National Social Protection Strategy has been drafted and persons with disabilities are part of the vulnerable groups under consideration. Education and training are also key in the social transformation of any population and so it is the belief of the Government that persons with disabilities should also be provided with access to education and training, as this can contribute to the transformation of their lives.

193. Where adults with disabilities live in deplorable situations with no personal support, special consideration is given to placing them in secure environments such as the infirmaries until their situation improves. The government operates these homes and, though there may be some restrictions in keeping with the rules of these homes, the

individual's liberty is maintained to a large extent. These infirmaries are within the remit of the Parish Councils (Local Authorities).

Article 29: Participation in political and public life

194. The Jamaican Constitution affirms the rights of all Jamaicans to participate in an election process that is free and fair. The criteria outlined for one to be considered an elector is through registration with the Electoral Office of Jamaica (EOJ). Persons are excluded only based on a legal incapacity, namely being certified as insane or otherwise adjudged to be of unsound mind, being convicted or under a suspended sentence. The Mental Health Act, revised in 2011, is used to guide the process of determining the mental capacity of an individual. The Constitution does not allow for persons certified insane or otherwise adjudged to be of unsound mind the opportunity to be elected to the House of Representatives or to the Senate.

195. The right to vote is also a fundamental part of Jamaica's political system. The Electoral Office of Jamaica (EOJ) is becoming more inclusive in terms of ensuring that persons with disabilities can exercise their constitutional right to participate in the process of electing their members of parliament, and ultimately the government of Jamaica. Some of the issues relating to voting by persons with disabilities are incorporated in the manual used by Election Day Workers. The information however is limited as it does not relate to persons who are deaf. Based on continued discussions between the EOJ and the JCPD along with other agencies representing persons with disabilities, the matter will be addressed in the revision of the manual to ensure that it is more inclusive.

196. The Representation of the People Act (ROPA) makes provisions for voters who are visually impaired to get assistance from an acquaintance of their choice or a presiding officer to cast their vote. From discussions with persons who are blind and visually impaired, they have indicated the desire to maintain the secrecy of their vote, suggesting the need for Braille and/or large print on their ballots. The National Policy for Persons with Disabilities speaks to the need for voting instructions to be available at polling stations through Braille, sign language or large print posters.

197. Although special assistance is afforded to the elderly and persons with physical disabilities at the polling stations, there is no legislative guarantee that access to polling stations will be provided. Generally, schools, community centers and churches are converted into polling stations. Many of these buildings were constructed several decades ago and may thus pose a challenge for access of persons with a physical disability. A direct result of the implementation of the new National Building Code addresses improved accessibility to the polling stations to maintain dignity and privacy throughout the voting experience for persons with disabilities.

198. The EOJ has indicated that efforts are being made to place, as much as possible, polling stations on the ground floors of buildings used for this purpose. The intention is also to construct temporary polling stations with accessibility features. Where a person with a disability has their right to vote violated, they have the option to report same to the EOJ or the Political Ombudsman and are entitled to the same redress as anyone else in the country.

199. There is no legal barrier to prevent a person with a disability from participating in political organizations. In 1998, Jamaica appointed its first Senator who is blind: Mr. Floyd Morris. Mr. Morris was re-appointed to the Senate in 2012 and served as the President of the Jamaican Senate from 2012 to 2016, thus demonstrating Jamaica's commitment to inclusion of persons with disabilities in the governance of the country.

200. The National Policy for Persons with Disabilities recognizes the rights of persons with disabilities and their families to form organizations to promote their welfare and protect their interests. There exist over forty non-governmental organizations in Jamaica that give specific attention to persons with disabilities while providing a wide array of health, education, training, and rehabilitative services. The GOJ consults with these organizations in the process of policy and programme development to meet the needs of their members.

Article 30: Participation in cultural life, recreation, leisure and sport

201. Jamaica is committed to ensuring that persons with disabilities are afforded equal opportunity to participate in cultural, recreational, leisure and sporting activities. The government is aware of the role these activities play in building confidence, reducing isolation, and enriching the community.

202. The JCPD through a partnership with the existing NGOs provides a mechanism for referring registered PWDs to existing institutions that provide training in art, craft, and other creative areas. Through Paradise Prints, a Centre operated by the JCPD, persons with disabilities are trained in craft work and produce high-quality household items made from batik and other materials. As previously mentioned, during the National Disability Awareness Week an Evening of Excellence is organized where persons with disabilities put their talents and craft on display, for sale to the public. Throughout the year, expos are staged to exhibit their talents. There is the need for technical arrangements to make films and literature accessible to persons with disabilities and provide more physically accessible cultural spaces.

203. There exists a wide variety of sporting opportunities for persons with disabilities. There is an annual sports day for persons with disabilities that is planned and executed by the JCPD. During this event, persons with disabilities participate in a cornucopia of sporting activities such as dominoes, basketball, athletics, discuss, shot-put, to name a few. The country is represented regionally and internationally in the Blind Cricket Competition, the Special Olympics, and the International Paralympics Committee (IPC) World Athletics Championships. Jamaican athletes have done exceptionally well at these events.

204. The Government is trying to have all national sports facilities accessible to persons with disabilities. A few sporting complexes, including Jamaica's main cricket ground, have already been made physically accessible, and work continues in this regard.

III. Specific Obligations under the Convention

Article 31: Statistics and Data

205. The Statistical Institute of Jamaica (STATIN) is responsible for conducting the national census. The last published reports were for 2011 which recorded the distribution of the persons with disabilities and the non-disabled population. The report provided statistics on education, employment, housing, and economic activities for persons with disabilities.

206. The results of the survey are made available online by the STATIN. There are no documents in Braille and there are no sign language interpreters on staff. No additional research has yet been conducted on the part of the Government to collate specific data on the community of persons with disabilities. A socio-economic study of persons with disabilities was conducted in 2014 in Jamaica by the JCPD through funding from the IDB. Further, data gathering on the population of persons with disabilities resulting in the creation of a Confidential Registry began through the IDB Project enhancing the mandate of the JCPD. Despite not being mandatory, registration of individuals with disabilities increases their opportunity in accessing various benefits and other provisions from the JCPD and other social programmes.

207. This Registry also provides necessary data for national policy development and programme planning. The results of the survey are made available online by the STATIN. There are no documents in Braille and there are no sign language interpreters on staff. No additional research has yet been conducted on the part of the Government to collate specific data on the community of persons with disabilities. A socio-economic study of persons with disabilities was conducted in 2014 in Jamaica by the JCPD through funding from the IDB. Further, data gathering on the population of persons with disabilities resulting in the creation of a Confidential Registry began through the IDB Project enhancing the mandate of the JCPD. Despite not being mandatory, registration of individuals with disabilities increases their opportunity in accessing various benefits and other provisions from the

JCPD and other social programmes. This Registry also provides necessary data for national policy development and programme planning.

208. The registry captures information related to the clients' personal demographics including gender, employment history, medical history, type of disability and required assistance needed.

Article 32: International Cooperation

209. The Government of Jamaica has collaborated with several international organizations to ensure that the community of persons with disabilities receives a high standard of technical and financial support geared at capacity building.

210. The Technical Cooperation Project between the Inter-American Development Bank and the GOJ (2012–15) provided support for improving the lives of persons with disabilities. Through the provision of this funding, not only was a comprehensive Disability Registry created but this data ensures coordinated effort at recording, monitoring, and assisting persons with disabilities. This project also provides for the institutional strengthening of the Jamaica Council for Persons with Disabilities and the Early Stimulation Programme for children with disabilities.

211. The World Bank provided initial funding for a horticultural project which gave necessary training for persons with disabilities. This programme administered through the Abilities Foundation in 2011 is valued at US$38,500.

212. Through the Integrated Social Protection and Labour Programme, the Inter-American Development Bank has also provided a five-year loan now in its fourth year of implementation, for the GOJ. This loan provides funding for the PATH programme. Funds will also focus on improving the services, facilities, and equipment of the MLSS Early Stimulation Programme for children with disabilities to improve PATH services to beneficiary children with disabilities.

213. Jamaica has also received research assistance to ensure evidence-based policies and programmes. In this context, the United Nations Population Fund (UNFPA) also has extended support to improve the data available by funding research in the field of disability.

Article 33: National Implementation and Monitoring

214. After ratifying the CRPD, the JCPD was designated as the government agency responsible for implementing all projects and policies needed to realize the articles of the Convention. It is expected to manage policy analysis, programme development and conduct internal monitoring to garner information for national and international reporting.

215. The institutional structure to ensure the implementation of the Convention is strengthened by National Advisory Board for Persons with Disabilities replaced by the Board of Management mandated in the Act, has been given monitoring responsibility for the CRPD. The Government is yet to appoint an independent body to formally monitor the progress of the GOJ in implementing the CRPD. Preparatory work for a Terms of Reference is in place to have the Combined Disabilities Association function in this capacity as the independent monitoring institution.

216. The Government of Jamaica is also working towards the establishment of a national human rights institution for the promotion and protection of various forms of human rights, in accordance with the Paris Principles. The proposed institution has received the approval of the Cabinet, in principle, and Cabinet is expected to consider, in short order, the legislative changes required to give effect to the Institution. The NHRI is expected to have a broad focus and to have pluralist representation in its membership.

217. Jamaica is home to several organizations aimed at advocating for persons with disabilities and expanding their involvement in civil and political life. These organizations provide a range of services including from rehabilitation, education, training and employment, welfare services and other forms of support services. These groups have been

vocal participants in the creation of national policies and have had representatives on the relevant planning committees and boards. As a result of their advocacy the Combined Disabilities Association has gained national recognition as the main cross-disability organization in Jamaica. It has, through its intervention with the government, engineered several policies and programmes beneficial to persons with disabilities.

218. The strengthening of the institutional capacity of the JCPD through a bilateral arrangement between the government of Jamaica and the Inter-American Development Bank, will allow for greater effectiveness to implement the tenets of the CRPD and the requirements of the Disabilities Act. The JCPD provides its services across the island through social workers assigned to various geographical areas. They often collaborate with the social workers from the Programme of Advancement through Health and Education (PATH) to address the needs of persons with disabilities and report on any discriminatory or degrading treatment of these individuals. Sensitization of all personnel involved in developmental programmes is paramount to their operation as the awareness-raising programmes have led to greater acceptance of persons with disabilities and investment in their development.

Additional Comments

Parking Spaces

219. Physical access to the environment is a vital element in the mobility and inclusion of persons with disabilities in society. With increased public awareness, major businesses have been ensuring they designate spaces to allow parking for persons with disabilities. Their enthusiasm to comply has however been overshadowed by the fact that the spaces are often times not created to the specification provided by the Building Code. Additionally, based on the delayed implementation of the Disabilities Act, members of the public park in the spaces designated for persons with disabilities without penalty in some areas.

Digicel Foundation/UNICEF/MLSS-JCPD Project

220. The Digicel Foundation in partnership with the United Nations Children's Fund (UNICEF) and the Ministry of Labour and Social Security through the Jamaica Council for Persons with Disabilities (JCPD) is undertaking a three-year project from 2017–2019. The project entitled "Strengthening the Inclusion of Children with Disabilities" is seeking to facilitate greater inclusion of persons with disabilities, especially children.

221. The project is seeking to facilitate the increased registration of children with disabilities to the JCPD, support medical testing for disability diagnosis of 100 children, identify specific barriers to children with disabilities that reduce access to education and skills training as well as the completion of studies and to strengthen political commitment to the enacting of the Disabilities Act 2014 into full operation. The project aims to focus efforts at a policy level to hold duty bearers accountable towards the implementation of legislation and the development of suitable policies. This project will enhance the provision of services for persons with disabilities by creating an inclusive society where persons with disabilities gain full participation in the formulation, implementation and evaluation of decisions determining their function and wellbeing and are empowered.